

Calendar No. 889

110TH CONGRESS
2D SESSION

S. 3288

[Report No. 110–425]

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2009, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 18 (legislative day, JULY 17), 2008

Mr. LEAHY, from the Committee on Appropriations, reported under authority of the order of the Senate of January 4, 2007 the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2009, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2009, and for other pur-
6 poses, namely:

1 TITLE I
2 DEPARTMENT OF STATE AND RELATED
3 AGENCY
4 DEPARTMENT OF STATE
5 ADMINISTRATION OF FOREIGN AFFAIRS
6 DIPLOMATIC AND CONSULAR PROGRAMS
7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses of the Department of State
9 and the Foreign Service not otherwise provided for,
10 \$5,290,000,000, of which \$1,137,452,000 is for World-
11 wide Security Protection (to remain available until ex-
12 pended), to be allocated as follows:

13 (1) HUMAN RESOURCES.—For necessary ex-
14 penses for training, human resources management,
15 and salaries, including employment without regard
16 to civil service and classification laws of persons on
17 a temporary basis (not to exceed \$700,000), as au-
18 thorized by section 801 of the United States Infor-
19 mation and Educational Exchange Act of 1948,
20 \$2,073,278,000 to remain available until September
21 30, 2010.

22 (2) OVERSEAS PROGRAMS.—For necessary ex-
23 penses for the regional bureaus of the Department
24 of State and overseas activities as authorized by law,
25 \$1,515,683,000, to remain available until September
26 30, 2010.

1 (3) DIPLOMATIC POLICY AND SUPPORT.—For
2 necessary expenses for the functional bureaus of the
3 Department of State including representation to cer-
4 tain international organizations in which the United
5 States participates pursuant to treaties ratified pur-
6 suant to the advice and consent of the Senate or
7 specific Acts of Congress, general administration,
8 and arms control, nonproliferation and disarmament
9 activities as authorized, \$572,562,000, to remain
10 available until September 30, 2010.

11 (4) SECURITY PROGRAMS.—For necessary ex-
12 penses for security activities, \$1,128,477,000, to re-
13 main available until September 30, 2010.

14 (5) FEES AND PAYMENTS COLLECTED.—

15 (A) Not to exceed \$1,605,150 shall be de-
16 rived from fees collected from other executive
17 agencies for lease or use of facilities located at
18 the International Center in accordance with sec-
19 tion 4 of the International Center Act, and, in
20 addition, as authorized by section 5 of such
21 Act, \$490,000, to be derived from the reserve
22 authorized by that section, to be used for the
23 purposes set out in that section;

24 (B) as authorized by section 810 of the
25 United States Information and Educational Ex-

1 change Act, not to exceed \$6,000,000, to re-
2 main available until expended, may be credited
3 to this appropriation from fees or other pay-
4 ments received from English teaching, library,
5 motion pictures, and publication programs and
6 from fees from educational advising and coun-
7 seling and exchange visitor programs; and

8 (C) not to exceed \$15,000, which shall be
9 derived from reimbursements, surcharges and
10 fees for use of Blair House facilities.

11 (6) TRANSFER AND REPROGRAMMING.—

12 (A) Notwithstanding any provision of this
13 Act, funds may be reprogrammed within and
14 between subsections under this heading subject
15 to section 714 of this Act.

16 (B) Of the amount made available under
17 this heading, not to exceed \$10,000,000 may be
18 transferred to, and merged with, funds appro-
19 priated by this Act under the heading “Emer-
20 gencies in the Diplomatic and Consular Serv-
21 ice”, to be available only for emergency evacu-
22 ations and terrorism rewards.

23 (C) Funds appropriated under this heading
24 are available for acquisition by exchange or pur-
25 chase of passenger motor vehicles as authorized

1 by law and, pursuant to 31 U.S.C. 1108(g), for
2 the field examination of programs and activities
3 in the United States funded from any account
4 contained in this title.

5 CIVILIAN STABILIZATION INITIATIVE
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses to establish, support, main-
8 tain, mobilize, and deploy a civilian response corps, and
9 for related reconstruction and stabilization assistance to
10 prevent or respond to conflict or civil strife in foreign
11 countries or regions, or to enable transition from such
12 strife, \$115,000,000, to remain available until expended:
13 *Provided*, That up to \$23,014,000 may be made available
14 to provide administrative expenses for the Office of the
15 Coordinator for Reconstruction and Stabilization: *Pro-*
16 *vided further*, That after consultation with the Committees
17 on Appropriations and subject to the regular notification
18 procedures of the Committees on Appropriations, the Sec-
19 retary of State may transfer and merge up to \$50,000,000
20 of funds made available under any other heading in titles
21 I, II, III and IV of this Act and prior Acts making appro-
22 priations for the Department of State, foreign operations,
23 export financing, and related programs, with funds made
24 available under this heading to support an actively de-
25 ployed civilian response corps: *Provided further*, That the
26 administrative authorities of the Foreign Assistance Act

1 of 1961 may be utilized for assistance furnished with such
 2 funds: *Provided further*, That funds allocated or repro-
 3 grammed for purposes of this section shall remain avail-
 4 able until expended: *Provided further*, That none of the
 5 funds appropriated under this heading may be obligated
 6 or expended until the Secretary of State clarifies in writ-
 7 ing to the Committees on Appropriations the relationship
 8 between existing international disaster response capabili-
 9 ties of the United States Government and funding sources
 10 (including under the headings “International Disaster As-
 11 sistance” and “Transition Initiatives” in this Act) and the
 12 Civilian Stabilization Initiative.

13 CAPITAL INVESTMENT FUND

14 For necessary expenses of the Capital Investment
 15 Fund, \$71,000,000, to remain available until expended,
 16 as authorized: *Provided*, That section 135(e) of Public
 17 Law 103–236 shall not apply to funds available under this
 18 heading.

19 OFFICE OF INSPECTOR GENERAL

20 For necessary expenses of the Office of Inspector
 21 General, \$40,000,000, notwithstanding section 209(a)(1)
 22 of the Foreign Service Act of 1980 (Public Law 96–465),
 23 as it relates to post inspections.

24 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

25 For expenses of educational and cultural exchange
 26 programs, as authorized, \$545,250,000, to remain avail-

1 able until expended: *Provided*, That not to exceed
 2 \$5,000,000, to remain available until expended, may be
 3 credited to this appropriation from fees or other payments
 4 received from or in connection with English teaching, edu-
 5 cational advising and counseling programs, and exchange
 6 visitor programs as authorized.

7 REPRESENTATION ALLOWANCES

8 For representation allowances as authorized,
 9 \$8,175,000.

10 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

11 For expenses, not otherwise provided, to enable the
 12 Secretary of State to provide for extraordinary protective
 13 services, as authorized, \$12,000,000, to remain available
 14 until September 30, 2010.

15 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

16 For necessary expenses for carrying out the Foreign
 17 Service Buildings Act of 1926 (22 U.S.C. 292–303), pre-
 18 serving, maintaining, repairing, and planning for buildings
 19 that are owned or directly leased by the Department of
 20 State, renovating, in addition to funds otherwise available,
 21 the Harry S Truman Building, and carrying out the Dip-
 22 lomatic Security Construction Program as authorized,
 23 \$800,000,000, to remain available until expended as au-
 24 thorized, of which not to exceed \$25,000 may be used for
 25 domestic and overseas representation as authorized: *Pro-*
 26 *vided*, That none of the funds appropriated in this para-

1 graph shall be available for acquisition of furniture, fur-
2 nishings, or generators for other departments and agen-
3 cies: *Provided further*, That funds made available by this
4 paragraph may not be obligated until a plan is submitted
5 to the Committees on Appropriations with the proposed
6 allocation of funds made available by this Act and by pro-
7 ceeds of sales for all projects in fiscal year 2009.

8 In addition, for the costs of worldwide security up-
9 grades, acquisition, and construction as authorized,
10 \$830,000,000, to remain available until expended: *Pro-*
11 *vided*, That the New Embassy Compound in London,
12 United Kingdom shall be designed and built in a manner
13 that is architecturally appropriate and consistent with the
14 surrounding physical environment, and in a manner that
15 does not compromise security requirements.

16 In addition, for necessary expenses for overseas facil-
17 ity construction and related costs for the United States
18 Agency for International Development, pursuant to sec-
19 tion 667 of the Foreign Assistance Act of 1961,
20 \$135,225,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR

SERVICE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$9,000,000, to remain avail-

1 able until expended as authorized, of which not to exceed
2 \$1,000,000 may be transferred to, and merged with, funds
3 appropriated by this Act under the heading “Repatriation
4 Loans Program Account”, subject to the same terms and
5 conditions.

6 BUYING POWER MAINTENANCE ACCOUNT

7 To offset adverse fluctuations in foreign currency ex-
8 change rates and/or overseas wage and price changes, as
9 authorized by section 24(b) of the State Department Basic
10 Authorities Act of 1956 (22 U.S.C. 2696(b)), \$5,000,000,
11 to remain available until expended.

12 REPATRIATION LOANS PROGRAM ACCOUNT

13 (INCLUDING TRANSFER OF FUNDS)

14 For the cost of direct loans, \$678,000, as authorized:
15 *Provided*, That such costs, including the cost of modifying
16 such loans, shall be as defined in section 502 of the Con-
17 gressional Budget Act of 1974.

18 In addition, for administrative expenses necessary to
19 carry out the direct loan program, \$675,000, which may
20 be transferred to, and merged with, funds appropriated
21 by this Act under the heading “Diplomatic and Consular
22 Programs”.

23 PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

24 For necessary expenses to carry out the Taiwan Rela-
25 tions Act (Public Law 96–8), \$16,840,000.

1 PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND
2 DISABILITY FUND

3 For payment to the Foreign Service Retirement and
4 Disability Fund, as authorized by law, \$157,100,000.

5 INTERNATIONAL ORGANIZATIONS

6 CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

7 For expenses, not otherwise provided for, necessary
8 to meet annual obligations of membership in international
9 multilateral organizations, pursuant to treaties ratified
10 pursuant to the advice and consent of the Senate, conven-
11 tions or specific Acts of Congress, \$1,529,400,000: *Pro-*
12 *vided*, That the Secretary of State shall, at the time of
13 the submission of the President's budget to Congress
14 under section 1105(a) of title 31, United States Code,
15 transmit to the Committees on Appropriations the most
16 recent biennial budget prepared by the United Nations for
17 the operations of the United Nations: *Provided further*,
18 That the Secretary of State shall notify the Committees
19 on Appropriations at least 15 days in advance (or in an
20 emergency, as far in advance as is practicable) of any
21 United Nations action to increase funding for any United
22 Nations program without identifying an offsetting de-
23 crease elsewhere in the United Nations budget: *Provided*
24 *further*, That any payment of arrearages under this title
25 shall be directed toward activities that are mutually agreed

1 upon by the United States and the respective international
 2 organization: *Provided further*, That none of the funds ap-
 3 propriated by this paragraph shall be available for a
 4 United States contribution to an international organiza-
 5 tion for the United States share of interest costs made
 6 known to the United States Government by such organiza-
 7 tion for loans incurred on or after October 1, 1984,
 8 through external borrowings.

9 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING

10 ACTIVITIES

11 For necessary expenses to pay assessed and other ex-
 12 penses of international peacekeeping activities directed to
 13 the maintenance or restoration of international peace and
 14 security, \$1,650,000,000, of which 15 percent shall re-
 15 main available until September 30, 2010: *Provided*, That
 16 none of the funds appropriated by this Act shall be obli-
 17 gated or expended for any new or expanded United Na-
 18 tions peacekeeping mission unless, at least 15 days in ad-
 19 vance of voting for a new or expanded mission in the
 20 United Nations Security Council (or in an emergency as
 21 far in advance as is practicable): (1) the Committees on
 22 Appropriations are notified of the estimated cost and
 23 length of the mission, the national interest that will be
 24 served, and the planned exit strategy; (2) the Committees
 25 on Appropriations are notified that the United Nations
 26 has taken appropriate measures to prevent United Nations

1 employees, contractor personnel, and peacekeeping forces
2 serving in any United Nations peacekeeping mission from
3 trafficking in persons, exploiting victims of trafficking, or
4 committing acts of illegal sexual exploitation, and to hold
5 accountable individuals who engage in such acts while par-
6 ticipating in the peacekeeping mission, including the pros-
7 ecution in their home countries of such individuals in con-
8 nection with such acts; and (3) notification pursuant to
9 section 714 of this Act is submitted, and the procedures
10 therein followed, setting forth the source of funds that will
11 be used to pay for the cost of the new or expanded mission:
12 *Provided further*, That funds shall be available for peace-
13 keeping expenses only upon a certification by the Sec-
14 retary of State to the Committees on Appropriations that
15 American manufacturers and suppliers are being given op-
16 portunities to provide equipment, services, and material
17 for United Nations peacekeeping activities equal to those
18 being given to foreign manufacturers and suppliers.

19 INTERNATIONAL COMMISSIONS

20 For necessary expenses, not otherwise provided for,
21 to meet obligations of the United States arising under
22 treaties, or specific Acts of Congress, as follows:

1 INTERNATIONAL BOUNDARY AND WATER COMMISSION,
2 UNITED STATES AND MEXICO

3 For necessary expenses for the United States Section
4 of the International Boundary and Water Commission,
5 United States and Mexico, and to comply with laws appli-
6 cable to the United States Section, including not to exceed
7 \$6,000 for representation; as follows:

8 SALARIES AND EXPENSES

9 For salaries and expenses, not otherwise provided for,
10 \$32,256,000.

11 CONSTRUCTION

12 For detailed plan preparation and construction of au-
13 thorized projects, \$52,250,000, to remain available until
14 expended, as authorized.

15 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

16 For necessary expenses, not otherwise provided,
17 \$11,320,000, of which \$6,870,000 is for the International
18 Joint Commission and \$2,250,000 is for the International
19 Boundary Commission, United States and Canada, as au-
20 thorized by treaties between the United States and Can-
21 ada or Great Britain, and \$2,200,000 is for the Border
22 Environment Cooperation Commission as authorized by
23 Public Law 103–182: *Provided*, That of the amount pro-
24 vided under this heading for the International Joint Com-
25 mission, \$7,000 may be made available for representation
26 expenses 45 days after submission to the Committees on

1 Appropriations of a report detailing obligations, expendi-
2 tures, and associated activities for fiscal years 2006, 2007,
3 and 2008, including any unobligated funds which expired
4 at the end of each fiscal year and the justification for why
5 such funds were not obligated.

6 INTERNATIONAL FISHERIES COMMISSIONS

7 For necessary expenses for international fisheries
8 commissions, not otherwise provided for, as authorized by
9 law, \$30,025,000: *Provided*, That the United States share
10 of such expenses may be advanced to the respective com-
11 missions pursuant to 31 U.S.C. 3324: *Provided further*,
12 That funds appropriated under this heading shall be avail-
13 able for programs in the amounts contained in the table
14 included in the committee report accompanying this Act
15 and no proposal for deviation from those amounts shall
16 be considered.

17 RELATED AGENCY

18 BROADCASTING BOARD OF GOVERNORS

19 INTERNATIONAL BROADCASTING OPERATIONS

20 For expenses necessary to enable the Broadcasting
21 Board of Governors, as authorized, to carry out inter-
22 national communication activities, including the purchase,
23 rent, construction, and improvement of facilities for radio
24 and television transmission and reception and purchase,
25 lease, and installation of necessary equipment for radio
26 and television transmission and reception to Cuba, and to

1 make and supervise grants for radio and television broad-
 2 casting to the Middle East, \$682,064,000: *Provided*, That
 3 of the total amount in this heading, not to exceed \$16,000
 4 may be used for official receptions within the United
 5 States as authorized, not to exceed \$35,000 may be used
 6 for representation abroad as authorized, and not to exceed
 7 \$39,000 may be used for official reception and representa-
 8 tion expenses of Radio Free Europe/Radio Liberty; and
 9 in addition, notwithstanding any other provision of law,
 10 not to exceed \$2,000,000 in receipts from advertising and
 11 revenue from business ventures, not to exceed \$500,000
 12 in receipts from cooperating international organizations,
 13 and not to exceed \$1,000,000 in receipts from privatiza-
 14 tion efforts of the Voice of America and the International
 15 Broadcasting Bureau, to remain available until expended
 16 for carrying out authorized purposes: *Provided further*,
 17 That of the funds appropriated under this heading, not
 18 less than \$8,000,000 shall be made available for broad-
 19 casts into North Korea.

20 BROADCASTING CAPITAL IMPROVEMENTS

21 For the purchase, rent, construction, and improve-
 22 ment of facilities for radio and television transmission and
 23 reception, and purchase and installation of necessary
 24 equipment for radio and television transmission and recep-
 25 tion as authorized, \$11,296,000, to remain available until
 26 expended, as authorized.

1 RELATED PROGRAMS

2 THE ASIA FOUNDATION

3 For a grant to the Asia Foundation, as authorized
4 by the Asia Foundation Act (22 U.S.C. 4402),
5 \$16,000,000, to remain available until expended, as au-
6 thorized.

7 UNITED STATES INSTITUTE OF PEACE

8 For necessary expenses of the United States Institute
9 of Peace as authorized in the United States Institute of
10 Peace Act, \$31,000,000, to remain available until Sep-
11 tember 30, 2010.

12 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

13 TRUST FUND

14 For necessary expenses of the Center for Middle
15 Eastern-Western Dialogue Trust Fund, the total amount
16 of the interest and earnings accruing to such Fund on or
17 before September 30, 2009, to remain available until ex-
18 pended.

19 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

20 For necessary expenses of Eisenhower Exchange Fel-
21 lowships, Incorporated, as authorized by sections 4 and
22 5 of the Eisenhower Exchange Fellowship Act of 1990 (20
23 U.S.C. 5204–5205), all interest and earnings accruing to
24 the Eisenhower Exchange Fellowship Program Trust
25 Fund on or before September 30, 2009, to remain avail-

1 able until expended: *Provided*, That none of the funds ap-
 2 propriated herein shall be used to pay any salary or other
 3 compensation, or to enter into any contract providing for
 4 the payment thereof, in excess of the rate authorized by
 5 5 U.S.C. 5376; or for purposes which are not in accord-
 6 ance with OMB Circulars A-110 (Uniform Administrative
 7 Requirements) and A-122 (Cost Principles for Non-profit
 8 Organizations), including the restrictions on compensation
 9 for personal services.

10 ISRAELI ARAB SCHOLARSHIP PROGRAM

11 For necessary expenses of the Israeli Arab Scholar-
 12 ship Program as authorized by section 214 of the Foreign
 13 Relations Authorization Act, Fiscal Years 1992 and 1993
 14 (22 U.S.C. 2452), all interest and earnings accruing to
 15 the Israeli Arab Scholarship Fund on or before September
 16 30, 2009, to remain available until expended.

17 EAST-WEST CENTER

18 To enable the Secretary of State to provide for car-
 19 rying out the provisions of the Center for Cultural and
 20 Technical Interchange Between East and West Act of
 21 1960, by grant to the Center for Cultural and Technical
 22 Interchange Between East and West in the State of Ha-
 23 waii, \$22,000,000: *Provided*, That none of the funds ap-
 24 propriated herein shall be used to pay any salary, or enter

1 into any contract providing for the payment thereof, in
 2 excess of the rate authorized by 5 U.S.C. 5376.

3 NATIONAL ENDOWMENT FOR DEMOCRACY

4 For grants made by the Department of State to the
 5 National Endowment for Democracy, as authorized by the
 6 National Endowment for Democracy Act and notwith-
 7 standing any other provision of law or regulation,
 8 \$120,000,000, to remain available until expended.

9 OTHER COMMISSIONS

10 COMMISSION FOR THE PRESERVATION OF AMERICA'S

11 HERITAGE ABROAD

12 SALARIES AND EXPENSES

13 For necessary expenses for the Commission for the
 14 Preservation of America's Heritage Abroad, \$599,000, as
 15 authorized by section 1303 of Public Law 99-83.

16 COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

17 SALARIES AND EXPENSES

18 For necessary expenses for the United States Com-
 19 mission on International Religious Freedom, as authorized
 20 by title II of the International Religious Freedom Act of
 21 1998 (Public Law 105-292), \$4,000,000, to remain avail-
 22 able until September 30, 2010.

1 COMMISSION ON SECURITY AND COOPERATION IN
2 EUROPE
3 SALARIES AND EXPENSES

4 For necessary expenses of the Commission on Secu-
5 rity and Cooperation in Europe, as authorized by Public
6 Law 94-304, \$2,610,000, to remain available until Sep-
7 tember 30, 2010.

8 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE
9 PEOPLE'S REPUBLIC OF CHINA
10 SALARIES AND EXPENSES

11 For necessary expenses of the Congressional-Execu-
12 tive Commission on the People's Republic of China, as au-
13 thorized, \$2,000,000, including not more than \$3,000 for
14 the purpose of official representation, to remain available
15 until September 30, 2010.

16 UNITED STATES-CHINA ECONOMIC AND SECURITY
17 REVIEW COMMISSION
18 SALARIES AND EXPENSES

19 For necessary expenses of the United States-China
20 Economic and Security Review Commission, \$1,000,000,
21 including not more than \$4,000 for the purpose of official
22 representation, to remain available until September 30,
23 2010: *Provided*, That none of the funds may be obligated
24 until the Commission submits a spending plan to the Com-
25 mittees on Appropriations which effectively addresses the

1 recommendations of the Government Accountability Of-
 2 fice’s audit of the Commission (GAO–07–1128): *Provided*
 3 *further*, That the Commission shall provide to the Commit-
 4 tees on Appropriations an annual financial plan no later
 5 than 90 days after enactment of this Act, and a quarterly
 6 accounting of the cumulative balances of any unobligated
 7 funds that were received by the Commission during any
 8 previous fiscal year.

9 UNITED STATES SENATE-CHINA INTERPARLIAMENTARY
 10 GROUP

11 SALARIES AND EXPENSES

12 For necessary expenses of the United States Senate-
 13 China Interparliamentary Group, as authorized under sec-
 14 tion 153 of the Consolidated Appropriations Act, 2004 (22
 15 U.S.C. 276n; Public Law 108–99; 118 Stat. 448),
 16 \$150,000, to remain available until September 30, 2010.

17 GENERAL PROVISIONS—THIS TITLE

18 ALLOWANCES AND DIFFERENTIALS

19 SEC. 101. Funds appropriated under title I of this
 20 Act shall be available, except as otherwise provided, for
 21 allowances and differentials as authorized by subchapter
 22 59 of title 5, United States Code; for services as author-
 23 ized by 5 U.S.C. 3109; and for hire of passenger transpor-
 24 tation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 102. The Department of State and the Broadcasting Board of Governors shall provide to the Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

EMBASSY CONSTRUCTION

SEC. 103. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the Marine Corps.

PEACEKEEPING MISSIONS

1
2 SEC. 104. None of the funds made available under
3 title I of this Act may be used for any United Nations
4 undertaking when it is made known to the Federal official
5 having authority to obligate or expend such funds that:
6 (1) the United Nations undertaking is a peacekeeping mis-
7 sion; (2) such undertaking will involve United States
8 Armed Forces under the command or operational control
9 of a foreign national; and (3) the President's military advi-
10 sors have not submitted to the President a recommenda-
11 tion that such involvement is in the national interests of
12 the United States and the President has not submitted
13 to the Congress such a recommendation.

SENIOR POLICY OPERATING GROUP

14
15 SEC. 105. (a) The Senior Policy Operating Group on
16 Trafficking in Persons, established under section 105(f)
17 of the Victims of Trafficking and Violence Protection Act
18 of 2000 (22 U.S.C. 7103(f)) to coordinate agency activi-
19 ties regarding policies (including grants and grant poli-
20 cies) involving the international trafficking in persons,
21 shall coordinate all such policies related to the activities
22 of traffickers and victims of severe forms of trafficking.
23 (b) None of the funds provided under title I of this
24 or any other Act making appropriations for Department
25 of State and Related Agencies shall be expended to per-

1 form functions that duplicate coordinating responsibilities
 2 of the Operating Group.

3 (c) The Operating Group shall continue to report only
 4 to the authorities that appointed them pursuant to section
 5 105(f).

6 UNITED STATES CITIZENS BORN IN JERUSALEM

7 SEC. 106. For the purposes of registration of birth,
 8 certification of nationality, or issuance of a passport of
 9 a United States citizen born in the city of Jerusalem, the
 10 Secretary of State shall, upon request of the citizen,
 11 record the place of birth as Israel.

12 CONSULTING SERVICES

13 SEC. 107. The expenditure of any appropriation
 14 under title I of this Act for any consulting service through
 15 procurement contract, pursuant to 5 U.S.C. 3109, shall
 16 be limited to those contracts where such expenditures are
 17 a matter of public record and available for public inspec-
 18 tion, except where otherwise provided under existing law,
 19 or under existing Executive order issued pursuant to exist-
 20 ing law.

21 BROADCASTING PROGRAMS

22 SEC. 108. Of the funds appropriated under the head-
 23 ing “Diplomatic and Consular Programs” in this Act,
 24 \$1,000,000 shall be made available to the Bureau of Inter-
 25 national Information Programs to disseminate informa-
 26 tion in Mandarin in the People’s Republic of China, in-

1 cluding on issues of governance, transparency, corruption,
 2 rule of law, and the environment, and the findings of the
 3 report required by section 735(f)(2) of this Act, through
 4 the Internet, text messaging or other means, directed to
 5 economically depressed areas of the People's Republic of
 6 China: *Provided*, That such funds are in addition to funds
 7 otherwise made available for such purposes: *Provided fur-*
 8 *ther*, That the Department of State shall consult with the
 9 Committees on Appropriations prior to the initial obliga-
 10 tion of funds appropriated by this section.

11 STATE DEPARTMENT AUTHORITIES

12 SEC. 109. (a) Funds appropriated under title I of this
 13 Act for the Broadcasting Board of Governors and the De-
 14 partment of State may be obligated and expended notwith-
 15 standing section 15 of the State Department Basic Au-
 16 thorities Act of 1956, section 313 of the Foreign Relations
 17 Authorization Act, Fiscal Years 1994 and 1995 (Public
 18 Law 103–236), and section 504(a)(1) of the National Se-
 19 curity Act of 1947 (50 U.S.C. 414(a)(1)).

20 (b) During fiscal year 2009, foreign service annu-
 21 itants may be employed, notwithstanding section 316.401
 22 of title 5, Code of Federal Regulations, pursuant to waiv-
 23 ers under section 824(g)(1)(C)(ii) of the Foreign Service
 24 Act of 1980 (22 U.S.C. 4064(g)(1)(C)(ii)).

PERSONNEL ACTIONS

1
2 SEC. 110. Any costs incurred by a department or
3 agency funded under this Act resulting from personnel ac-
4 tions taken in response to funding reductions included in
5 this Act shall be absorbed within the total budgetary re-
6 sources available to such department or agency: *Provided*,
7 That the authority to transfer funds between appropria-
8 tions accounts as may be necessary to carry out this sec-
9 tion is provided in addition to authorities included else-
10 where in this Act: *Provided further*, That use of funds to
11 carry out this section shall be treated as a reprogramming
12 of funds under section 714 of title VII of this Act and
13 shall not be available for obligation or expenditure except
14 in compliance with the procedures set forth in that section.

RESTRICTIONS ON UNITED NATIONS DELEGATIONS

15
16 SEC. 111. None of the funds made available under
17 title I of this Act may be used to pay expenses for any
18 United States delegation to any specialized agency, body,
19 or commission of the United Nations if such commission
20 is chaired or presided over by a country, the government
21 of which the Secretary of State has determined, for pur-
22 poses of section 6(j)(1) of the Export Administration Act
23 of 1979 (50 U.S.C. App. 2405(j)(1)), supports inter-
24 national terrorism.

PEACEKEEPING ASSESSMENT

SEC. 112. Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, (22 U.S.C. 287e note) is amended by deleting subsection (v) and inserting in lieu thereof:

“(v) For assessments made during each of the calendar years 2005, 2006, 2007, 2008, and 2009, 27.1 percent.”.

COMMISSION FINANCIAL MANAGEMENT

SEC. 113. (a) REQUIREMENT FOR PERFORMANCE REVIEWS.—The United States-China Economic and Security Review Commission shall comply with chapter 43 of title 5, United States Code, regarding the establishment and regular review of employee performance appraisals.

(b) LIMITATION ON CASH AWARDS.—The United States-China Economic and Security Review Commission shall comply with section 4505a of title 5, United States Code, with respect to limitations on payment of performance-based cash awards.

TRANSPARENCY IN BROADCASTING

SEC. 114. Funds appropriated under the heading “International Broadcasting Operations” in this Act for programs and activities supporting international broadcasting to the Middle East and Iran in fiscal year 2009 may be made available if the United States Department of State and the Broadcasting Board of Governors Inspec-

1 tor General reports to the Committees on Appropriations
 2 that such broadcasting meets the standards in the Office
 3 of Inspector General report ISP-IB-08-45, May 2008.

4 CONSULAR AFFAIRS REFORM

5 SEC. 115. Of the funds made available in fiscal year
 6 2009 as revenue from fees for the Department of State
 7 Border Security Program, 20 percent are withheld until
 8 the Secretary of State certifies and reports to the Commit-
 9 tees on Appropriations that the Department of State is
 10 implementing recommendations contained in the Office of
 11 Inspector General audit “Review of Controls and Notifica-
 12 tion for Access to Passport Records in the Department
 13 of State’s Passport Information Electronic Records Sys-
 14 tem (PIERS)” (AUD/IP-08-29), July 2008.

15 TITLE II

16 UNITED STATES AGENCY FOR INTERNATIONAL 17 DEVELOPMENT

18 ADMINISTRATION OF FOREIGN ASSISTANCE

19 FUNDS APPROPRIATED TO THE PRESIDENT

20 OPERATING EXPENSES OF THE UNITED STATES AGENCY 21 FOR INTERNATIONAL DEVELOPMENT

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses to carry out the provisions
 24 of section 667 of the Foreign Assistance Act of 1961,
 25 \$817,184,000, of which up to \$35,000,000 may remain
 26 available until September 30, 2010: *Provided*, That none

1 of the funds appropriated under this heading and under
2 the heading “Capital Investment Fund” in this Act may
3 be made available to finance the construction (including
4 architect and engineering services), purchase, or long-term
5 lease of offices for use by the United States Agency for
6 International Development (USAID), unless the USAID
7 Administrator has identified such proposed construction
8 (including architect and engineering services), purchase,
9 or long-term lease of offices in a report submitted to the
10 Committees on Appropriations at least 15 days prior to
11 the obligation of funds for such purposes: *Provided fur-*
12 *ther*, That the previous proviso shall not apply when the
13 total cost of construction (including architect and engi-
14 neering services), purchase, or long-term lease of offices
15 does not exceed \$1,000,000: *Provided further*, That con-
16 tracts or agreements entered into with funds appropriated
17 under this heading may entail commitments for the ex-
18 penditure of such funds through fiscal year 2010: *Pro-*
19 *vided further*, That any decision to open a new USAID
20 overseas mission or office or, except where there is a sub-
21 stantial security risk to mission personnel, to close or sig-
22 nificantly reduce the number of personnel of any such mis-
23 sion or office, shall be subject to the regular notification
24 procedures of the Committees on Appropriations: *Provided*
25 *further*, That the authority of sections 610 and 109 of the

1 Foreign Assistance Act of 1961 may be exercised by the
2 Secretary of State to transfer funds appropriated to carry
3 out chapter 1 of part I of such Act to “Operating Ex-
4 penses of the United States Agency for International De-
5 velopment” in accordance with the provisions of those sec-
6 tions: *Provided further*, That not later than 90 days after
7 enactment of this Act, the USAID Administrator, after
8 consulting with the Secretaries of Defense, Treasury, Ag-
9 riculture, Interior, Energy, and Health and Human Serv-
10 ices, the Director of the Centers for Disease Control and
11 Prevention, the Administrator of the Environmental Pro-
12 tection Agency, and the heads of other relevant Federal
13 departments and agencies, shall submit to the Committees
14 on Appropriations a recruitment strategy for current and
15 former employees from such departments and agencies
16 who possess skills and/or overseas experience which would
17 enhance USAID’s capacity to carry out its mission: *Pro-*
18 *vided further*, That notwithstanding any other provision of
19 law, funds made available under this heading may be made
20 available to implement the strategy described in the pre-
21 vious proviso, subject to the regular notification proce-
22 dures of the Committees on Appropriations: *Provided fur-*
23 *ther*, That notwithstanding section 307 of the Foreign
24 Service Act of 1980, the USAID Administrator may hire
25 up to 50 individuals per year under the Development

1 Leadership Initiative: *Provided further*, That the authority
 2 contained in the previous proviso shall expire on Sep-
 3 tember 30, 2011.

4 CAPITAL INVESTMENT FUND OF THE UNITED STATES

5 AGENCY FOR INTERNATIONAL DEVELOPMENT

6 For necessary expenses for overseas construction and
 7 related costs, and for the procurement and enhancement
 8 of information technology and related capital investments,
 9 pursuant to section 667 of the Foreign Assistance Act of
 10 1961, \$35,775,000, to remain available until expended:
 11 *Provided*, That this amount is in addition to funds other-
 12 wise available for such purposes: *Provided further*, That
 13 funds appropriated under this heading shall be available
 14 for obligation only pursuant to the regular notification
 15 procedures of the Committees on Appropriations.

16 OPERATING EXPENSES OF THE UNITED STATES AGENCY
 17 FOR INTERNATIONAL DEVELOPMENT OFFICE OF IN-
 18 SPECTOR GENERAL

19 For necessary expenses to carry out the provisions
 20 of section 667 of the Foreign Assistance Act of 1961,
 21 \$42,600,000, to remain available until September 30,
 22 2010, which sum shall be available for the Office of the
 23 Inspector General of the United States Agency for Inter-
 24 national Development.

1 TITLE III
2 BILATERAL ECONOMIC ASSISTANCE
3 FUNDS APPROPRIATED TO THE PRESIDENT

4 For expenses necessary to enable the President to
5 carry out the provisions of the Foreign Assistance Act of
6 1961, and for other purposes, to remain available until
7 September 30, 2009, unless otherwise specified herein, as
8 follows:

9 GLOBAL HEALTH AND CHILD SURVIVAL
10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses to carry out the provisions
12 of chapters 1 and 10 of part I of the Foreign Assistance
13 Act of 1961, for global health activities, in addition to
14 funds otherwise available for such purposes,
15 \$1,961,000,000, to remain available until September 30,
16 2010, and which shall be apportioned directly to the
17 United States Agency for International Development: *Pro-*
18 *vided*, That none of the funds appropriated under this
19 paragraph may be made available for nonproject assist-
20 ance, except that funds may be made available for such
21 assistance for ongoing health activities: *Provided further*,
22 That of the funds appropriated under this paragraph, not
23 to exceed \$400,000, in addition to funds otherwise avail-
24 able for such purposes, may be used to monitor and pro-
25 vide oversight of child survival, maternal and family plan-
26 ning/reproductive health, and infectious disease programs:

1 *Provided further*, That of the funds appropriated under
 2 this paragraph the following amounts should be allocated
 3 as follows: \$500,000,000 for child survival and maternal
 4 health; \$15,000,000 for vulnerable children; \$350,000,000
 5 for HIV/AIDS, of which not less than \$45,000,000 shall
 6 be made available to support the development of
 7 microbicides; \$661,000,000 for other infectious diseases,
 8 including \$385,000,000 for malaria control and
 9 \$155,000,000 for tuberculosis control, of which
 10 \$15,000,000 shall be used for the Global TB Drug Facil-
 11 ity, and \$26,000,000 for the control of neglected tropical
 12 diseases; and \$435,000,000 for family planning/reproduc-
 13 tive health, including in areas where population growth
 14 threatens biodiversity or endangered species: *Provided fur-*
 15 *ther*, That of the funds appropriated under this paragraph,
 16 \$75,000,000 should be made available for a United States
 17 contribution to The GAVI Fund, and up to \$5,000,000
 18 may be transferred to and merged with funds appropriated
 19 by this Act under the heading “Operating Expenses of the
 20 United States Agency for International Development” for
 21 costs directly related to global health, but funds made
 22 available for such costs may not be derived from amounts
 23 made available for contributions under this and preceding
 24 provisos: *Provided further*, That none of the funds made
 25 available by this Act nor any unobligated balances from

1 prior appropriations Acts may be made available to any
2 organization or program which, as determined by the Sec-
3 retary of State, supports or participates in the manage-
4 ment of a program of coercive abortion or involuntary
5 sterilization: *Provided further*, That any determination
6 made under the previous proviso must be made no later
7 than 6 months after the date of enactment of this Act,
8 and must be accompanied by a comprehensive analysis as
9 well as the evidence and criteria utilized to make the deter-
10 mination: *Provided further*, That none of the funds made
11 available under this Act may be used to pay for the per-
12 formance of abortion as a method of family planning or
13 to motivate or coerce any person to practice abortions:
14 *Provided further*, That nothing in this paragraph shall be
15 construed to alter any existing statutory prohibitions
16 against abortion under section 104 of the Foreign Assist-
17 ance Act of 1961: *Provided further*, That none of the funds
18 made available under this Act may be used to lobby for
19 or against abortion: *Provided further*, That in order to re-
20 duce reliance on abortion in developing nations, funds
21 shall be available only to voluntary family planning
22 projects which offer, either directly or through referral to,
23 or information about access to, a broad range of family
24 planning methods and services, and that any such vol-
25 untary family planning project shall meet the following re-

1 quirements: (1) service providers or referral agents in the
2 project shall not implement or be subject to quotas, or
3 other numerical targets, of total number of births, number
4 of family planning acceptors, or acceptors of a particular
5 method of family planning (this provision shall not be con-
6 strued to include the use of quantitative estimates or indi-
7 cators for budgeting and planning purposes); (2) the
8 project shall not include payment of incentives, bribes,
9 gratuities, or financial reward to: (A) an individual in ex-
10 change for becoming a family planning acceptor; or (B)
11 program personnel for achieving a numerical target or
12 quota of total number of births, number of family planning
13 acceptors, or acceptors of a particular method of family
14 planning; (3) the project shall not deny any right or ben-
15 efit, including the right of access to participate in any pro-
16 gram of general welfare or the right of access to health
17 care, as a consequence of any individual's decision not to
18 accept family planning services; (4) the project shall pro-
19 vide family planning acceptors comprehensible information
20 on the health benefits and risks of the method chosen, in-
21 cluding those conditions that might render the use of the
22 method inadvisable and those adverse side effects known
23 to be consequent to the use of the method; and (5) the
24 project shall ensure that experimental contraceptive drugs
25 and devices and medical procedures are provided only in

1 the context of a scientific study in which participants are
2 advised of potential risks and benefits; and, not less than
3 60 days after the date on which the Administrator of the
4 United States Agency for International Development de-
5 termines that there has been a violation of the require-
6 ments contained in paragraph (1), (2), (3), or (5) of this
7 proviso, or a pattern or practice of violations of the re-
8 quirements contained in paragraph (4) of this proviso, the
9 Administrator shall submit to the Committees on Appro-
10 priations a report containing a description of such viola-
11 tion and the corrective action taken by the Agency: *Pro-*
12 *vided further*, That in awarding grants for natural family
13 planning under section 104 of the Foreign Assistance Act
14 of 1961 no applicant shall be discriminated against be-
15 cause of such applicant's religious or conscientious com-
16 mitment to offer only natural family planning; and, addi-
17 tionally, all such applicants shall comply with the require-
18 ments of the previous proviso: *Provided further*, That for
19 purposes of this or any other Act authorizing or appro-
20 priating funds for the Department of State, foreign oper-
21 ations, and related programs, the term "motivate", as it
22 relates to family planning assistance, shall not be con-
23 strued to prohibit the provision, consistent with local law,
24 of information or counseling about all pregnancy options:
25 *Provided further*, That information provided about the use

1 of condoms as part of projects or activities that are funded
2 from amounts appropriated by this Act shall be medically
3 accurate and shall include the public health benefits and
4 failure rates of such use.

5 In addition, for necessary expenses to carry out the
6 provisions of the Foreign Assistance Act of 1961 for the
7 prevention, treatment, and control of, and research on,
8 HIV/AIDS, \$4,779,000,000, to remain available until ex-
9 pended, and which shall be apportioned directly to the De-
10 partment of State: *Provided*, That of the funds appro-
11 priated under this paragraph, not less than \$600,000,000
12 shall be made available, notwithstanding any other provi-
13 sion of law, except for the United States Leadership
14 Against HIV/AIDS, Tuberculosis and Malaria Act of 2003
15 (Public Law 108–25) for a United States contribution to
16 the Global Fund to Fight AIDS, Tuberculosis and Ma-
17 laria, and shall be expended at the minimum rate nec-
18 essary to make timely payment for projects and activities:
19 *Provided further*, That up to 3 percent of the aggregate
20 amount of funds made available to the Global Fund in
21 fiscal year 2009 may be made available to the United
22 States Agency for International Development for technical
23 assistance related to the activities of the Global Fund:
24 *Provided further*, That of the funds appropriated under
25 this paragraph, up to \$14,000,000 may be made available,

1 in addition to amounts otherwise available for such pur-
 2 poses, for administrative expenses of the Office of the
 3 Global AIDS Coordinator: *Provided further*, That of the
 4 funds appropriated under this paragraph, not less than
 5 \$40,000,000 shall be made available for a United States
 6 contribution to UNAIDS: *Provided further*, That funds
 7 made available under this heading shall be made available
 8 notwithstanding the second sentence of section 403(a) of
 9 Public Law 108–25.

10 DEVELOPMENT ASSISTANCE

11 For necessary expenses to carry out the provisions
 12 of sections 103, 105, 106, and sections 251 through 255,
 13 and chapter 10 of part I of the Foreign Assistance Act
 14 of 1961, \$1,850,000,000, to remain available until Sep-
 15 tember 30, 2010: *Provided*, That of the funds appro-
 16 priated under this heading that are made available for as-
 17 sistance programs for displaced and orphaned children
 18 and victims of war, not to exceed \$44,000, in addition to
 19 funds otherwise available for such purposes, may be used
 20 to monitor and provide oversight of such programs: *Pro-*
 21 *vided further*, That of the funds appropriated by this Act,
 22 not less than \$250,000,000 shall be made available for
 23 microenterprise and microfinance development programs
 24 for the poor, especially women: *Provided further*, That of
 25 the funds appropriated under this heading, not less than
 26 \$29,000,000 shall be made available for Collaborative Re-

1 search Support Programs: *Provided further*, That of the
 2 funds appropriated under this heading, not less than
 3 \$22,500,000 shall be made available for the American
 4 Schools and Hospitals Abroad program: *Provided further*,
 5 That of the funds appropriated under this heading,
 6 \$10,000,000 shall be made available for cooperative devel-
 7 opment programs within the Office of Private and Vol-
 8 untary Cooperation: *Provided further*, That of the funds
 9 appropriated in this Act, not less than \$300,000,000 shall
 10 be made available for programs and activities to imple-
 11 ment the Senator Paul Simon Water for the Poor Act of
 12 2005 (Public Law 109–121), including for monitoring of
 13 water quality, of which not less than \$125,000,000 should
 14 be made available for such projects in Africa.

15 INTERNATIONAL DISASTER ASSISTANCE

16 For necessary expenses to carry out the provisions
 17 of section 491 of the Foreign Assistance Act of 1961 for
 18 international disaster relief, rehabilitation, and recon-
 19 struction assistance, \$450,000,000, to remain available
 20 until expended.

21 GLOBAL FOOD SECURITY

22 For necessary expenses to carry out the provisions
 23 of chapters 1 and 10 of part I of the Foreign Assistance
 24 Act of 1961, to enhance global food security and for agri-
 25 cultural development programs, notwithstanding any other
 26 provision of law and in addition to funds otherwise made

1 available for such purposes, \$150,000,000, to remain
2 available until expended: *Provided*, That funds shall be
3 made available for local or regional purchase and distribu-
4 tion of food: *Provided further*, That prior to the obligation
5 of funds and after consultation with other relevant Fed-
6 eral departments and agencies, the Committees on Appro-
7 priations, and relevant nongovernmental organizations,
8 the Administrator of the United States Agency for Inter-
9 national Development shall submit to the Committees on
10 Appropriations a strategy for achieving the goals of this
11 paragraph, specifying the intended country beneficiaries,
12 amounts of funding, types of activities to be funded, and
13 expected quantifiable results: *Provided further*, That of the
14 funds appropriated under this heading, not less than
15 \$7,000,000 shall be made available for a United States
16 contribution to the Global Crop Diversity Trust: *Provided*
17 *further*, That notwithstanding any other provision of law,
18 to include minimum funding requirements or funding di-
19 rectives, funds made available under the headings “Devel-
20 opment Assistance” and “Economic Support Fund” in
21 prior Acts making appropriations for foreign operations,
22 export financing, and related programs may be made
23 available to address critical food shortages, subject to
24 prior consultation with, and the regular notification proce-
25 dures of, the Committees on Appropriations.

TRANSITION INITIATIVES

1
2 For necessary expenses for international disaster re-
3 habilitation and reconstruction assistance pursuant to sec-
4 tion 491 of the Foreign Assistance Act of 1961,
5 \$50,000,000, to remain available until expended, to sup-
6 port transition to democracy and to long-term develop-
7 ment of countries in crisis: *Provided*, That such support
8 may include assistance to develop, strengthen, or preserve
9 democratic institutions and processes, revitalize basic in-
10 frastructure, and foster the peaceful resolution of conflict:
11 *Provided further*, That the United States Agency for Inter-
12 national Development shall submit a report to the Com-
13 mittees on Appropriations at least 5 days prior to begin-
14 ning a new program of assistance: *Provided further*, That
15 if the Secretary of State determines that it is important
16 to the national interests of the United States to provide
17 transition assistance in excess of the amount appropriated
18 under this heading, up to \$15,000,000 of the funds appro-
19 priated by this Act to carry out the provisions of part I
20 of the Foreign Assistance Act of 1961 may be used for
21 purposes of this heading and under the authorities appli-
22 cable to funds appropriated under this heading: *Provided*
23 *further*, That funds made available pursuant to the pre-
24 vious proviso shall be made available subject to prior con-
25 sultation with the Committees on Appropriations.

1 DEVELOPMENT CREDIT AUTHORITY
2 (INCLUDING TRANSFER OF FUNDS)

3 For the cost of direct loans and loan guarantees pro-
4 vided by the United States Agency for International De-
5 velopment, as authorized by sections 256 and 635 of the
6 Foreign Assistance Act of 1961, up to \$25,000,000 may
7 be derived by transfer from funds appropriated by this Act
8 to carry out part I of such Act and under the heading
9 “Assistance for Europe, Eurasia and Central Asia”: *Pro-*
10 *vided*, That funds provided under this paragraph and
11 funds provided as a gift pursuant to section 635(d) of the
12 Foreign Assistance Act of 1961 shall be made available
13 only for micro and small enterprise programs, urban pro-
14 grams, and other programs which further the purposes of
15 part I of such Act: *Provided further*, That such costs, in-
16 cluding the cost of modifying such direct and guaranteed
17 loans, shall be as defined in section 502 of the Congres-
18 sional Budget Act of 1974, as amended: *Provided further*,
19 That funds made available by this paragraph may be used
20 for the cost of modifying any such guaranteed loans under
21 this Act or prior Acts, and funds used for such costs shall
22 be subject to the regular notification procedures of the
23 Committees on Appropriations: *Provided further*, That the
24 provisions of section 107A(d) (relating to general provi-
25 sions applicable to the Development Credit Authority) of
26 the Foreign Assistance Act of 1961, as contained in sec-

tion 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, \$9,000,000, which may be transferred to, and merged with, funds appropriated by this Act under the heading “Operating Expenses of the United States Agency for International Development”: *Provided*, That funds made available under this heading shall remain available until September 30, 2011.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$3,098,904,000, to remain available until September 30, 2010: *Provided*, That \$11,000,000 of the funds appropriated under this heading should be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That funds appropriated under this heading that are made available for a Middle East

1 Financing Facility, Middle East Enterprise Fund, or any
2 other similar entity in the Middle East shall be subject
3 to the regular notification procedures of the Committees
4 on Appropriations.

5 DEMOCRACY FUND

6 (a) For necessary expenses to carry out the provisions
7 of the Foreign Assistance Act of 1961 for the promotion
8 of democracy globally, \$117,500,000, to remain available
9 until September 30, 2011, of which \$85,000,000 shall be
10 made available for the Human Rights and Democracy
11 Fund of the Bureau of Democracy, Human Rights and
12 Labor, Department of State.

13 (b) Of the funds appropriated under this heading that
14 are made available to the Bureau of Democracy, Human
15 Rights and Labor, not less than \$25,000,000 shall be
16 made available for the promotion of democracy in the Peo-
17 ple's Republic of China, Hong Kong, and Taiwan, and not
18 less than \$10,000,000 shall be made available for the pro-
19 motion of democracy in countries located outside the Mid-
20 dle East region with a significant Muslim population, and
21 where such programs and activities would be important
22 to respond to, deter, or prevent extremism: *Provided*, That
23 assistance for Taiwan should be matched from sources
24 other than the United States Government.

1 (c) Of the funds appropriated under this heading,
2 \$5,000,000 shall be made available for Internet activities
3 to expand access and information in closed societies.

4 (d) Of the funds appropriated under this heading,
5 \$2,500,000 shall be made available for the promotion of
6 democracy in Syria, \$2,500,000 shall be made available
7 for such programs in Libya, and \$2,500,000 shall be made
8 available for such programs in North Korea.

9 (e) Of the funds appropriated under this heading, up
10 to \$20,000,000 shall be made available for programs to
11 promote democracy in Iran and to counter the political
12 influence of the Government of Iran in Lebanon and the
13 West Bank and Gaza: *Provided*, That none of such funds
14 may be used for educational and cultural exchanges.

15 (f) Funds appropriated by this Act that are made
16 available for the promotion of democracy may be made
17 available notwithstanding any other provision of law.
18 Funds appropriated under this heading are in addition to
19 funds otherwise made available for such purposes.

20 (g) For the purposes of funds appropriated by this
21 Act, the term “promotion of democracy” means programs
22 that support good governance, human rights, independent
23 media, and the rule of law, and otherwise strengthen the
24 capacity of democratic political parties, governments, non-
25 governmental organizations and institutions, and citizens

1 to support the development of democratic states, institu-
2 tions, and practices that are responsive and accountable
3 to citizens.

4 (h) Any contract, grant, or cooperative agreement (or
5 any amendment to any contract, grant, or cooperative
6 agreement) in excess of \$2,500,000 for the promotion of
7 democracy under this Act, with the exception of programs
8 and activities of the National Endowment for Democracy,
9 shall be subject to the regular notification procedures of
10 the Committees on Appropriations.

11 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

12 For necessary expenses to carry out the provisions
13 of the Foreign Assistance Act of 1961, the FREEDOM
14 Support Act, and the Support for East European Democ-
15 racy (SEED) Act of 1989, \$661,733,000, to remain avail-
16 able until September 30, 2010, which shall be available,
17 notwithstanding any other provision of law, for assistance
18 and for related programs for countries identified in section
19 3 of the FREEDOM Support Act and section 3(c) of the
20 SEED Act: *Provided*, That funds appropriated under this
21 heading shall be considered to be economic assistance
22 under the Foreign Assistance Act of 1961 for purposes
23 of making available the administrative authorities con-
24 tained in that Act for the use of economic assistance: *Pro-*
25 *vided further*, That notwithstanding any provision of this
26 or any other Act, funds appropriated in prior years under

1 the headings “Independent States of the Former Soviet
2 Union” and similar headings and “Assistance for Eastern
3 Europe and the Baltic States” and similar headings, and
4 currencies generated by or converted from such funds,
5 shall be available for use in any country for which funds
6 are made available under this heading without regard to
7 the geographic limitations of the heading under which
8 such funds were originally appropriated: *Provided further*,
9 That funds made available for the Southern Caucasus re-
10 gion may be used for confidence-building measures and
11 other activities in furtherance of the peaceful resolution
12 of conflicts: *Provided further*, That of the funds appro-
13 priated under this heading, not less than \$9,000,000 shall
14 be made available for humanitarian, conflict mitigation,
15 human rights, civil society, and relief and recovery assist-
16 ance for the North Caucasus: *Provided further*, That of
17 the funds appropriated under this heading that are avail-
18 able for assistance for Russia, not less than \$500,000
19 shall be made available to the United States Forest Serv-
20 ice for forest management and wildlife conservation pro-
21 grams in the Russian Far East: *Provided further*, That
22 the terms and conditions of sections 617(c), (e), and (f)
23 of the Department of State, Foreign Operations, and Re-
24 lated Programs Appropriations Act, 2008 (division J of

1 Public Law 110–161) shall apply to funds appropriated
2 under this heading.

3 INTERNATIONAL NARCOTICS CONTROL AND LAW

4 ENFORCEMENT

5 For necessary expenses to carry out section 481 of
6 the Foreign Assistance Act of 1961, \$925,000,000, to re-
7 main available until September 30, 2011: *Provided*, That
8 during fiscal year 2009, the Department of State may also
9 use the authority of section 608 of the Foreign Assistance
10 Act of 1961, without regard to its restrictions, to receive
11 excess property from an agency of the United States Gov-
12 ernment for the purpose of providing it to a foreign coun-
13 try or international organization under chapter 8 of part
14 I of that Act subject to the regular notification procedures
15 of the Committees on Appropriations: *Provided further*,
16 That the Secretary of State shall provide to the Commit-
17 tees on Appropriations not later than 45 days after the
18 date of the enactment of this Act and prior to the initial
19 obligation of funds appropriated under this heading, a re-
20 port on the proposed uses of all funds under this heading
21 on a country-by-country basis for each proposed program,
22 project, or activity: *Provided further*, That of the funds
23 appropriated under this heading, \$5,000,000 should be
24 made available to combat piracy of United States copy-
25 righted materials, consistent with the requirements of sec-
26 tion 688(a) and (b) of the Department of State, Foreign

1 Operations, and Related Programs Appropriations Act,
 2 2008 (division J of Public Law 110–161): *Provided fur-*
 3 *ther*, That of the funds appropriated under this heading,
 4 not more than \$44,000,000 may be available for adminis-
 5 trative expenses.

6 ANDEAN COUNTERDRUG PROGRAMS

7 For necessary expenses to carry out section 481 of
 8 the Foreign Assistance Act of 1961 to support
 9 counterdrug activities in the Andean region of South
 10 America, \$315,000,000, to remain available until Sep-
 11 tember 30, 2011: *Provided*, That the Secretary of State,
 12 in consultation with the Administrator of the United
 13 States Agency for International Development, shall pro-
 14 vide to the Committees on Appropriations not later than
 15 45 days after the date of the enactment of this Act and
 16 prior to the initial obligation of funds appropriated under
 17 this heading, a report on the proposed uses of all funds
 18 under this heading on a country-by-country basis for each
 19 proposed program, project, or activity: *Provided further*,
 20 That section 482(b) of the Foreign Assistance Act of 1961
 21 shall not apply to funds appropriated under this heading:
 22 *Provided further*, That assistance provided with funds ap-
 23 propriated under this heading that is made available not-
 24 withstanding section 482(b) of the Foreign Assistance Act
 25 of 1961 shall be made available subject to the regular noti-
 26 fication procedures of the Committees on Appropriations:

1 *Provided further*, That of the funds appropriated under
2 this heading, not more than \$16,000,000 may be available
3 for administrative expenses of the Department of State,
4 and not more than \$8,000,000 may be available, in addi-
5 tion to amounts otherwise available for such purposes, for
6 administrative expenses of the United States Agency for
7 International Development.

8 DEPARTMENT OF STATE

9 MIGRATION AND REFUGEE ASSISTANCE

10 For expenses, not otherwise provided for, necessary
11 to enable the Secretary of State to provide, as authorized
12 by law, a contribution to the International Committee of
13 the Red Cross, assistance to refugees, including contribu-
14 tions to the International Organization for Migration and
15 the United Nations High Commissioner for Refugees, and
16 other activities to meet refugee and migration needs; sala-
17 ries and expenses of personnel and dependents as author-
18 ized by the Foreign Service Act of 1980; allowances as
19 authorized by sections 5921 through 5925 of title 5,
20 United States Code; purchase and hire of passenger motor
21 vehicles; and services as authorized by section 3109 of title
22 5, United States Code, \$1,100,000,000, to remain avail-
23 able until expended, of which not more than \$24,000,000
24 may be available for administrative expenses.

1 UNITED STATES EMERGENCY REFUGEE AND MIGRATION
2 ASSISTANCE FUND

3 For necessary expenses to carry out the provisions
4 of section 2(c) of the Migration and Refugee Assistance
5 Act of 1962, as amended (22 U.S.C. 2601(c)),
6 \$50,000,000, to remain available until expended.

7 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
8 RELATED PROGRAMS

9 For necessary expenses for nonproliferation, anti-ter-
10 rorism, demining and related programs and activities,
11 \$564,000,000, to carry out the provisions of chapter 8 of
12 part II of the Foreign Assistance Act of 1961 for anti-
13 terrorism assistance, chapter 9 of part II of the Foreign
14 Assistance Act of 1961, section 504 of the FREEDOM
15 Support Act, section 23 of the Arms Export Control Act
16 or the Foreign Assistance Act of 1961 for demining activi-
17 ties, the clearance of unexploded ordnance, the destruction
18 of small arms, and related activities, notwithstanding any
19 other provision of law, including activities implemented
20 through nongovernmental and international organizations,
21 and section 301 of the Foreign Assistance Act of 1961
22 for a voluntary contribution to the International Atomic
23 Energy Agency (IAEA), and for a United States contribu-
24 tion to the Comprehensive Nuclear Test Ban Treaty Pre-
25 paratory Commission: *Provided*, That of this amount not
26 to exceed \$45,000,000, to remain available until expended,

1 may be made available for the Nonproliferation and Disar-
2 mament Fund, notwithstanding any other provision of
3 law, to promote bilateral and multilateral activities relat-
4 ing to nonproliferation and disarmament, except that this
5 limitation may be exceeded only through the regular notifi-
6 cation procedures of the Committees on Appropriations:
7 *Provided further*, That such funds may also be used for
8 such countries other than the Independent States of the
9 former Soviet Union and international organizations when
10 it is in the national security interest of the United States
11 to do so: *Provided further*, That funds appropriated under
12 this heading may be made available for the International
13 Atomic Energy Agency only if the Secretary of State de-
14 termines (and so reports to the Congress) that Israel is
15 not being denied its right to participate in the activities
16 of that Agency: *Provided further*, That of the funds appro-
17 priated under this heading, not more than \$750,000 may
18 be made available for public-private partnerships for con-
19 ventional weapons and mine action by grant, cooperative
20 agreement or contract: *Provided further*, That of the funds
21 made available for demining and related activities, not to
22 exceed \$700,000, in addition to funds otherwise available
23 for such purposes, may be used for administrative ex-
24 penses related to the operation and management of the
25 demining program: *Provided further*, That funds appro-

1 priated under this heading that are available for “Anti-
 2 terrorism Assistance” and “Export Control and Border
 3 Security” shall remain available until September 30,
 4 2010.

5 INDEPENDENT AGENCIES

6 PEACE CORPS

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses to carry out the provisions
 9 of the Peace Corps Act (75 Stat. 612), including the pur-
 10 chase of not to exceed five passenger motor vehicles for
 11 administrative purposes for use outside of the United
 12 States, \$337,000,000, to remain available until September
 13 30, 2010: *Provided*, That none of the funds appropriated
 14 under this heading shall be used to pay for abortions: *Pro-*
 15 *vided further*, That the Director may transfer to the For-
 16 eign Currency Fluctuations Account, as authorized by 22
 17 U.S.C. 2515, an amount not to exceed \$3,000,000: *Pro-*
 18 *vided further*, That funds transferred pursuant to the pre-
 19 vious proviso may not be derived from amounts made
 20 available for Peace Corps overseas operations.

21 MILLENNIUM CHALLENGE CORPORATION

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses to carry out the provisions
 24 of the Millennium Challenge Act of 2003, \$254,000,000,
 25 to remain available until expended, of which up to
 26 \$85,000,000 may be available for administrative expenses

1 of the Millennium Challenge Corporation: *Provided*, That
 2 none of the funds available to carry out section 616 of
 3 such Act may be made available until the Chief Executive
 4 Officer of the Millennium Challenge Corporation provides
 5 a report to the Committees on Appropriations listing the
 6 candidate countries that will be receiving assistance under
 7 section 616 of such Act, the level of assistance proposed
 8 for each such country, a description of the proposed pro-
 9 grams, projects and activities, and the implementing agen-
 10 cy or agencies of the United States Government: *Provided*
 11 *further*, That section 605(e)(4) of the Millennium Chal-
 12 lenge Act of 2003 shall apply to funds appropriated under
 13 this heading.

14 INTER-AMERICAN FOUNDATION

15 For necessary expenses to carry out the functions of
 16 the Inter-American Foundation in accordance with the
 17 provisions of section 401 of the Foreign Assistance Act
 18 of 1969, \$25,000,000, to remain available until September
 19 30, 2010.

20 AFRICAN DEVELOPMENT FOUNDATION

21 For necessary expenses to carry out title V of the
 22 International Security and Development Cooperation Act
 23 of 1980 (Public Law 96–533), \$35,000,000, to remain
 24 available until September 30, 2010: *Provided*, That funds
 25 made available to grantees may be invested pending ex-
 26 penditure for project purposes when authorized by the

1 Board of Directors of the Foundation: *Provided further*,
 2 That interest earned shall be used only for the purposes
 3 for which the grant was made: *Provided further*, That not-
 4 withstanding section 505(a)(2) of the African Develop-
 5 ment Foundation Act, in exceptional circumstances the
 6 Board of Directors of the Foundation may waive the
 7 \$250,000 limitation contained in that section with respect
 8 to a project and a project may exceed the limitation by
 9 up to \$10,000 if the increase is due solely to foreign cur-
 10 rency fluctuation: *Provided further*, That the Foundation
 11 shall provide a report to the Committees on Appropria-
 12 tions after each time such waiver authority is exercised.

13 DEPARTMENT OF THE TREASURY

14 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

15 For necessary expenses to carry out the provisions
 16 of section 129 of the Foreign Assistance Act of 1961,
 17 \$29,000,000, to remain available until September 30,
 18 2011, which shall be available notwithstanding any other
 19 provision of law.

20 DEBT RESTRUCTURING

21 For the cost, as defined in section 502 of the Con-
 22 gressional Budget Act of 1974, of modifying loans and
 23 loan guarantees, as the President may determine, for
 24 which funds have been appropriated or otherwise made
 25 available for programs within the International Affairs
 26 Budget Function 150, including the cost of selling, reduc-

1 ing, or canceling amounts owed to the United States as
 2 a result of concessional loans made to eligible countries,
 3 pursuant to parts IV and V of the Foreign Assistance Act
 4 of 1961, of modifying concessional credit agreements with
 5 least developed countries, as authorized under section 411
 6 of the Agricultural Trade Development and Assistance Act
 7 of 1954, as amended, of concessional loans, guarantees
 8 and credit agreements, as authorized under section 572
 9 of the Foreign Operations, Export Financing, and Related
 10 Programs Appropriations Act, 1989 (Public Law 100–
 11 461), and of canceling amounts owed, as a result of loans
 12 or guarantees made pursuant to the Export-Import Bank
 13 Act of 1945, by countries that are eligible for debt reduc-
 14 tion pursuant to title V of H.R. 3425 as enacted into law
 15 by section 1000(a)(5) of Public Law 106–113,
 16 \$85,000,000, to remain available until September 30,
 17 2011: *Provided*, That not less than \$20,000,000 of the
 18 funds appropriated under this heading shall be made avail-
 19 able to carry out the provisions of part V of the Foreign
 20 Assistance Act of 1961: *Provided further*, That amounts
 21 paid to the HIPC Trust Fund may be used only to fund
 22 debt reduction under the enhanced HIPC initiative by—
 23 (1) the Inter-American Development Bank;
 24 (2) the African Development Fund;
 25 (3) the African Development Bank; and

1 (4) the Central American Bank for Economic
2 Integration:
3 *Provided further*, That funds may not be paid to the HIPC
4 Trust Fund for the benefit of any country if the Secretary
5 of State has credible evidence that the government of such
6 country is engaged in a consistent pattern of gross viola-
7 tions of internationally recognized human rights or in mili-
8 tary or civil conflict that undermines its ability to develop
9 and implement measures to alleviate poverty and to devote
10 adequate human and financial resources to that end: *Pro-*
11 *vided further*, That on the basis of final appropriations,
12 the Secretary of the Treasury shall notify the Committees
13 on Appropriations concerning which countries and inter-
14 national financial institutions are expected to benefit from
15 a United States contribution to the HIPC Trust Fund
16 during the fiscal year: *Provided further*, That the Sec-
17 retary of the Treasury shall notify the Committees on Ap-
18 propriations not less than 15 days in advance of the signa-
19 ture of an agreement by the United States to make pay-
20 ments to the HIPC Trust Fund of amounts for such coun-
21 tries and institutions: *Provided further*, That the Secretary
22 of the Treasury may disburse funds designated for debt
23 reduction through the HIPC Trust Fund only for the ben-
24 efit of countries that—

1 (1) have committed, for a period of 24 months,
2 not to accept new market-rate loans from the inter-
3 national financial institution receiving debt repay-
4 ment as a result of such disbursement, other than
5 loans made by such institutions to export-oriented
6 commercial projects that generate foreign exchange
7 which are generally referred to as “enclave” loans;
8 and

9 (2) have documented and demonstrated their
10 commitment to redirect their budgetary resources
11 from international debt repayments to programs to
12 alleviate poverty and promote economic growth that
13 are additional to or expand upon those previously
14 available for such purposes:

15 *Provided further,* That any limitation of subsection (e) of
16 section 411 of the Agricultural Trade Development and
17 Assistance Act of 1954 shall not apply to funds appro-
18 priated under this heading: *Provided further,* That none
19 of the funds made available under this heading in this or
20 any other appropriations Act shall be made available for
21 Sudan or Burma unless the Secretary of the Treasury de-
22 termines and notifies the Committees on Appropriations
23 that a democratically elected government has taken office.

1 TITLE IV
2 INTERNATIONAL SECURITY ASSISTANCE
3 FUNDS APPROPRIATED TO THE PRESIDENT
4 PEACEKEEPING OPERATIONS

5 For necessary expenses to carry out the provisions
6 of section 551 of the Foreign Assistance Act of 1961,
7 \$257,200,000: *Provided*, That of the funds made available
8 under this heading, not less than \$25,000,000 shall be
9 made available for a United States contribution to the
10 Multinational Force and Observers mission in the Sinai:
11 *Provided further*, That none of the funds appropriated
12 under this heading shall be obligated or expended except
13 as provided through the regular notification procedures of
14 the Committees on Appropriations.

15 INTERNATIONAL MILITARY EDUCATION AND TRAINING
16 For necessary expenses to carry out the provisions
17 of section 541 of the Foreign Assistance Act of 1961,
18 \$91,500,000, of which up to \$3,000,000 may remain
19 available until expended and may only be provided through
20 the regular notification procedures of the Committees on
21 Appropriations: *Provided*, That the civilian personnel for
22 whom military education and training may be provided
23 under this heading may include civilians who are not mem-
24 bers of a government whose participation would contribute
25 to improved civil-military relations, civilian control of the
26 military, or respect for human rights: *Provided further*,

1 That funds made available under this heading for assist-
 2 ance for Haiti, Guatemala, the Democratic Republic of the
 3 Congo, Sri Lanka, Nepal, Ethiopia, Bangladesh, Libya,
 4 and Angola may only be provided through the regular noti-
 5 fication procedures of the Committees on Appropriations
 6 and any such notification shall include a detailed descrip-
 7 tion of proposed activities.

8 FOREIGN MILITARY FINANCING PROGRAM

9 (INCLUDING TRANSFER OF FUNDS)

10 For expenses necessary for grants to enable the
 11 President to carry out the provisions of section 23 of the
 12 Arms Export Control Act, \$4,479,000,000: *Provided*,
 13 That funds appropriated or otherwise made available by
 14 this paragraph shall be nonrepayable notwithstanding any
 15 requirement in section 23 of the Arms Export Control Act:
 16 *Provided further*, That funds made available under this
 17 paragraph shall be obligated upon apportionment in ac-
 18 cordance with paragraph (5)(C) of title 31, United States
 19 Code, section 1501(a): *Provided further*, That \$2,000,000
 20 of the funds appropriated under this heading shall be
 21 transferred to and merged with funds appropriated under
 22 the heading “Diplomatic and Consular Programs” in this
 23 Act to be made available to the Bureau of Democracy,
 24 Human Rights and Labor, Department of State, to ensure
 25 adequate monitoring of the uses of assistance made avail-
 26 able under this heading, in addition to amounts otherwise

1 available for such purposes, subject to prior consultation
2 with the Committees on Appropriations.

3 None of the funds made available under this heading
4 shall be available to finance the procurement of defense
5 articles, defense services, or design and construction serv-
6 ices that are not sold by the United States Government
7 under the Arms Export Control Act unless the foreign
8 country proposing to make such procurements has first
9 signed an agreement with the United States Government
10 specifying the conditions under which such procurements
11 may be financed with such funds, including that such de-
12 fense articles or services will be used only in accordance
13 with international law: *Provided*, That all country and
14 funding level increases in allocations shall be submitted
15 through the regular notification procedures of section 714
16 of this Act: *Provided further*, That none of the funds ap-
17 propriated under this heading may be made available for
18 assistance for Haiti, Guatemala, Nepal, Sri Lanka, Ban-
19 gladesh, Philippines, Indonesia, Bosnia and Herzegovina,
20 Ethiopia, and Democratic Republic of the Congo except
21 pursuant to the regular notification procedures of the
22 Committees on Appropriations: *Provided further*, That
23 funds made available under this heading may be used, not-
24 withstanding any other provision of law, for demining, the
25 clearance of unexploded ordnance, and related activities,

1 and may include activities implemented through non-
2 governmental and international organizations: *Provided*
3 *further*, That only those countries for which assistance was
4 justified for the “Foreign Military Sales Financing Pro-
5 gram” in the fiscal year 1989 congressional presentation
6 for security assistance programs may utilize funds made
7 available under this heading for procurement of defense
8 articles, defense services or design and construction serv-
9 ices that are not sold by the United States Government
10 under the Arms Export Control Act: *Provided further*,
11 That funds appropriated under this heading shall be ex-
12 pended at the minimum rate necessary to make timely
13 payment for defense articles and services: *Provided fur-*
14 *ther*, That not more than \$51,000,000 of the funds appro-
15 priated under this heading may be obligated for necessary
16 expenses, including the purchase of passenger motor vehi-
17 cles for replacement only for use outside of the United
18 States, for the general costs of administering military as-
19 sistance and sales: *Provided further*, That not more than
20 \$470,000,000 of funds realized pursuant to section
21 21(e)(1)(A) of the Arms Export Control Act may be obli-
22 gated for expenses incurred by the Department of Defense
23 during fiscal year 2009 pursuant to section 43(b) of the
24 Arms Export Control Act, except that this limitation may

1 be exceeded only through the regular notification proce-
2 dures of the Committees on Appropriations.

3 TITLE V

4 MULTILATERAL ASSISTANCE

5 FUNDS APPROPRIATED TO THE PRESIDENT

6 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

7 For necessary expenses to carry out the provisions
8 of section 301 of the Foreign Assistance Act of 1961, and
9 of section 2 of the United Nations Environment Program
10 Participation Act of 1973, \$364,000,000.

11 CONTRIBUTION TO THE INTERNATIONAL FUND FOR

12 AGRICULTURAL DEVELOPMENT

13 For the United States contribution by the Secretary
14 of the Treasury to increase the resources of the Inter-
15 national Fund for Agricultural Development,
16 \$18,000,000, to remain available until expended.

17 INTERNATIONAL FINANCIAL INSTITUTIONS

18 GLOBAL ENVIRONMENT FACILITY

19 For the United States contribution for the Global En-
20 vironment Facility, \$100,000,000 to the International
21 Bank for Reconstruction and Development as trustee for
22 the Global Environment Facility, by the Secretary of the
23 Treasury, to remain available until expended: *Provided*,
24 That of the funds appropriated under this heading,
25 \$20,000,000 shall be made available for a United States

1 contribution to the Least Developed Countries Fund to
 2 support grants for climate change adaptation programs
 3 and activities, including National Adaptation Programs of
 4 Action, if the Global Environment Facility makes publicly
 5 available on its website an annual report detailing: the cri-
 6 teria used to determine which programs and activities re-
 7 ceive funds; the manner in which specific programs and
 8 activities meet such criteria; the extent of local community
 9 involvement in such programs and activities; the amount
 10 of funds provided; and results achieved.

11 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT
 12 ASSOCIATION

13 For payment to the International Development Asso-
 14 ciation by the Secretary of the Treasury, \$1,177,000,000,
 15 to remain available until expended.

16 CLEAN ENERGY TECHNOLOGY
 17 (INCLUDING TRANSFER OF FUNDS)

18 For contributions to an international clean energy
 19 technology fund established by the World Bank or by an-
 20 other multilateral or bilateral entity, \$200,000,000, to re-
 21 main available until September 30, 2010: *Provided*, That
 22 funds appropriated under this heading may be made avail-
 23 able if the Secretary of the Treasury certifies and reports
 24 to the Committees on Appropriations that: (1) the fund
 25 will operate in a manner consistent with the objectives of
 26 the United Nations Framework Convention on Climate

1 Change and will finance only zero-carbon renewable tech-
2 nologies and energy efficient end-use technologies that are
3 commercially available, can be implemented on a large
4 scale, and have clear potential to become cost-competitive
5 for private investors or consumers, without subsidies, by
6 2020; and (2) the World Bank, or such other entity, will
7 implement carbon accounting for all of its relevant
8 projects, that reflects the global economic, social and envi-
9 ronmental costs of a unit of carbon emissions: *Provided*
10 *further*, That if the Secretary of the Treasury does not
11 make the certification and report required under this
12 heading by September 30, 2009, funds appropriated under
13 this heading shall be transferred to, and merged with,
14 funds appropriated by this Act under the headings “Devel-
15 opment Assistance” and “Economic Support Fund” and
16 shall be made available to support programs or activities
17 described under this heading: *Provided further*, That funds
18 appropriated under this heading that are available for an
19 international clean energy technology fund shall be
20 matched by sources other than the United States Govern-
21 ment: *Provided further*, That funds appropriated under
22 this heading shall be subject to the regular notification
23 procedures of the Committees on Appropriations.

1 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS
2 MULTILATERAL INVESTMENT FUND

3 For payment to the Enterprise for the Americas Mul-
4 tilateral Investment Fund by the Secretary of the Treas-
5 ury, for the United States contribution to the fund,
6 \$25,000,000, to remain available until expended.

7 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

8 For the United States contribution by the Secretary
9 of the Treasury to the increase in resources of the Asian
10 Development Fund, as authorized by the Asian Develop-
11 ment Bank Act, as amended, \$101,186,000, to remain
12 available until expended.

13 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

14 For the United States contribution by the Secretary
15 of the Treasury to the increase in resources of the African
16 Development Fund, \$146,055,000, to remain available
17 until expended.

18 TITLE VI

19 EXPORT AND INVESTMENT ASSISTANCE

20 EXPORT-IMPORT BANK OF THE UNITED STATES

21 INSPECTOR GENERAL

22 For necessary expenses of the Office of Inspector
23 General in carrying out the provisions of the Inspector
24 General Act of 1978, as amended, \$2,500,000, to remain
25 available until September 30, 2010.

PROGRAM ACCOUNT

1
2 The Export-Import Bank of the United States is au-
3 thorized to make such expenditures within the limits of
4 funds and borrowing authority available to such corpora-
5 tion, and in accordance with law, and to make such con-
6 tracts and commitments without regard to fiscal year limi-
7 tations, as provided by section 104 of the Government
8 Corporation Control Act, as may be necessary in carrying
9 out the program for the current fiscal year for such cor-
10 poration: *Provided*, That none of the funds available dur-
11 ing the current fiscal year may be used to make expendi-
12 tures, contracts, or commitments for the export of nuclear
13 equipment, fuel, or technology to any country, other than
14 a nuclear-weapon state as defined in Article IX of the
15 Treaty on the Non-Proliferation of Nuclear Weapons eligi-
16 ble to receive economic or military assistance under this
17 Act, that has detonated a nuclear explosive after the date
18 of the enactment of this Act: *Provided further*, That not-
19 withstanding section 1(c) of Public Law 103–428, as
20 amended, sections 1(a) and (b) of Public Law 103–428
21 shall remain in effect through October 1, 2009: *Provided*
22 *further*, That not less than 10 percent of the aggregate
23 loan, guarantee, and insurance authority available to the
24 Export-Import Bank under this Act should be used for

1 zero-carbon renewable energy and energy efficient end-use
2 technologies.

3 SUBSIDY APPROPRIATION

4 For the cost of direct loans, loan guarantees, insur-
5 ance, and tied-aid grants as authorized by section 10 of
6 the Export-Import Bank Act of 1945, as amended, not
7 to exceed \$41,000,000: *Provided*, That such costs, includ-
8 ing the cost of modifying such loans, shall be as defined
9 in section 502 of the Congressional Budget Act of 1974:
10 *Provided further*, That such funds shall remain available
11 until September 30, 2024, for the disbursement of direct
12 loans, loan guarantees, insurance and tied-aid grants obli-
13 gated in fiscal years 2009, 2010, 2011, and 2012: *Pro-*
14 *vided further*, That none of the funds appropriated by this
15 Act or any prior Act appropriating funds for foreign oper-
16 ations, export financing, and related programs for tied-
17 aid credits or grants may be used for any other purpose
18 except through the regular notification procedures of the
19 Committees on Appropriations: *Provided further*, That
20 funds appropriated by this paragraph are made available
21 notwithstanding section 2(b)(2) of the Export-Import
22 Bank Act of 1945, in connection with the purchase or
23 lease of any product by any Eastern European country,
24 any Baltic State or any agency or national thereof.

25 Of the funds appropriated under this heading that
26 are available for tied-aid grants in prior Acts making ap-

1 appropriations for foreign operations, export financing, and
 2 related programs, \$17,000,000 are rescinded.

3 Of the unobligated balances available under this
 4 heading in Public Law 109–102, \$25,000,000 are re-
 5 scinded.

6 ADMINISTRATIVE EXPENSES

7 For administrative expenses to carry out the direct
 8 and guaranteed loan and insurance programs, including
 9 hire of passenger motor vehicles and services as authorized
 10 by 5 U.S.C. 3109, and not to exceed \$30,000 for official
 11 reception and representation expenses for members of the
 12 Board of Directors, not to exceed \$81,500,000: *Provided*,
 13 That the Export-Import Bank may accept, and use, pay-
 14 ment or services provided by transaction participants for
 15 legal, financial, or technical services in connection with
 16 any transaction for which an application for a loan, guar-
 17 antee or insurance commitment has been made: *Provided*
 18 *further*, That notwithstanding subsection (b) of section
 19 117 of the Export Enhancement Act of 1992, subsection
 20 (a) thereof shall remain in effect until October 1, 2009.

21 RECEIPTS COLLECTED

22 Receipts collected pursuant to the Export-Import
 23 Bank Act of 1945, as amended, and the Federal Credit
 24 Reform Act of 1990, as amended, in an amount not to
 25 exceed the amount appropriated herein, shall be credited
 26 as offsetting collections to this account: *Provided*, That the

1 sums herein appropriated from the General Fund shall be
2 reduced on a dollar-for-dollar basis by such offsetting col-
3 lections so as to result in a final fiscal year appropriation
4 from the General Fund estimated at \$0: *Provided further,*
5 That amounts collected in fiscal year 2009 in excess of
6 obligations, up to \$50,000,000, shall become available
7 September 29, 2009 and shall remain available until Sep-
8 tember 30, 2012.

9 OVERSEAS PRIVATE INVESTMENT CORPORATION

10 NONCREDIT ACCOUNT

11 The Overseas Private Investment Corporation is au-
12 thorized to make, without regard to fiscal year limitations,
13 as provided by 31 U.S.C. 9104, such expenditures and
14 commitments within the limits of funds available to it and
15 in accordance with law as may be necessary: *Provided,*
16 That the amount available for administrative expenses to
17 carry out the credit and insurance programs (including an
18 amount for official reception and representation expenses
19 which shall not exceed \$35,000) shall not exceed
20 \$50,600,000: *Provided further,* That project-specific trans-
21 action costs, including direct and indirect costs incurred
22 in claims settlements, and other direct costs associated
23 with services provided to specific investors or potential in-
24 vestors pursuant to section 234 of the Foreign Assistance

1 Act of 1961, shall not be considered administrative ex-
2 penses for the purposes of this heading.

3 PROGRAM ACCOUNT

4 For the cost of direct and guaranteed loans,
5 \$29,000,000, as authorized by section 234 of the Foreign
6 Assistance Act of 1961, to be derived by transfer from
7 the Overseas Private Investment Corporation Noncredit
8 Account: *Provided*, That such costs, including the cost of
9 modifying such loans, shall be as defined in section 502
10 of the Congressional Budget Act of 1974: *Provided fur-*
11 *ther*, That such sums shall be available for direct loan obli-
12 gations and loan guaranty commitments incurred or made
13 during fiscal years 2009, 2010, and 2011: *Provided fur-*
14 *ther*, That funds so obligated in fiscal year 2009 remain
15 available for disbursement through 2017; funds obligated
16 in fiscal year 2010 remain available for disbursement
17 through 2018; and funds obligated in fiscal year 2011 re-
18 main available for disbursement through 2019: *Provided*
19 *further*, That notwithstanding any other provision of law,
20 the Overseas Private Investment Corporation is authorized
21 to undertake any program authorized by title IV of the
22 Foreign Assistance Act of 1961 in Iraq: *Provided further*,
23 That funds made available pursuant to the authority of
24 the previous proviso shall be subject to the regular notifi-
25 cation procedures of the Committees on Appropriations.

1 In addition, such sums as may be necessary for ad-
 2 ministrative expenses to carry out the credit program may
 3 be derived from amounts available for administrative ex-
 4 penses to carry out the credit and insurance programs in
 5 the Overseas Private Investment Corporation Noncredit
 6 Account and merged with said account.

7 FUNDS APPROPRIATED TO THE PRESIDENT

8 TRADE AND DEVELOPMENT AGENCY

9 For necessary expenses to carry out the provisions
 10 of section 661 of the Foreign Assistance Act of 1961,
 11 \$50,800,000, to remain available until September 30,
 12 2010.

13 TITLE VII

14 GENERAL PROVISIONS

15 COMPENSATION FOR UNITED STATES EXECUTIVE

16 DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

17 SEC. 701. (a) No funds appropriated in titles II
 18 through VI of this Act may be made as payment to any
 19 international financial institution while the United States
 20 Executive Director to such institution is compensated by
 21 the institution at a rate which, together with whatever
 22 compensation such Director receives from the United
 23 States, is in excess of the rate provided for an individual
 24 occupying a position at level IV of the Executive Schedule
 25 under section 5315 of title 5, United States Code, or while

1 any alternate United States Director to such institution
2 is compensated by the institution at a rate in excess of
3 the rate provided for an individual occupying a position
4 at level V of the Executive Schedule under section 5316
5 of title 5, United States Code.

6 (b) For purposes of this section “international finan-
7 cial institutions” are: the International Bank for Recon-
8 struction and Development, the Inter-American Develop-
9 ment Bank, the Asian Development Bank, the Asian De-
10 velopment Fund, the African Development Bank, the Afri-
11 can Development Fund, the International Monetary Fund,
12 the International Finance Corporation, the North Amer-
13 ican Development Bank, and the European Bank for Re-
14 construction and Development.

15 LIMITATION ON RESIDENCE EXPENSES

16 SEC. 702. Of the funds appropriated or made avail-
17 able pursuant to titles II and III of this Act, not to exceed
18 \$100,500 shall be for official residence expenses of the
19 United States Agency for International Development dur-
20 ing the current fiscal year: *Provided*, That appropriate
21 steps shall be taken to assure that, to the maximum extent
22 possible, United States-owned foreign currencies are uti-
23 lized in lieu of dollars.

24 UNOBLIGATED BALANCES REPORT

25 SEC. 703. Any Department or Agency to which funds
26 are appropriated or otherwise made available by this Act

1 shall provide to the Committees on Appropriations a quar-
2 terly accounting of cumulative balances by program,
3 project, and activity of the funds received by such Depart-
4 ment or Agency in this fiscal year or any previous fiscal
5 year that remain unobligated and unexpended.

6 LIMITATION ON REPRESENTATIONAL ALLOWANCES

7 SEC. 704. Of the funds appropriated or made avail-
8 able pursuant to titles II through VI of this Act, not to
9 exceed \$250,000 shall be available for representation and
10 entertainment allowances, of which not to exceed \$5,000
11 shall be available for entertainment allowances, for the
12 United States Agency for International Development dur-
13 ing the current fiscal year: *Provided*, That no such enter-
14 tainment funds may be used for the purposes listed in sec-
15 tion 743 of this Act: *Provided further*, That appropriate
16 steps shall be taken to assure that, to the maximum extent
17 possible, United States-owned foreign currencies are uti-
18 lized in lieu of dollars: *Provided further*, That of the funds
19 made available by this Act for general costs of admin-
20 istering military assistance and sales under the heading
21 “Foreign Military Financing Program”, not to exceed
22 \$4,000 shall be available for entertainment expenses and
23 not to exceed \$130,000 shall be available for representa-
24 tion allowances: *Provided further*, That of the funds made
25 available by this Act under the heading “International
26 Military Education and Training”, not to exceed \$55,000

1 shall be available for entertainment allowances: *Provided*
 2 *further*, That of the funds made available by this Act for
 3 the Inter-American Foundation, not to exceed \$3,000
 4 shall be available for entertainment and representation al-
 5 lowances: *Provided further*, That of the funds made avail-
 6 able by this Act for the Peace Corps, not to exceed \$4,000
 7 shall be available for entertainment expenses: *Provided*
 8 *further*, That of the funds made available by this Act
 9 under the heading “Trade and Development Agency”, not
 10 to exceed \$4,000 shall be available for representation and
 11 entertainment allowances: *Provided further*, That of the
 12 funds made available by this Act under the heading “Mil-
 13 lennium Challenge Corporation”, not to exceed \$75,000
 14 shall be available for representation and entertainment al-
 15 lowances.

16 PROHIBITION ON TAXATION OF UNITED STATES

17 ASSISTANCE

18 SEC. 705. (a) PROHIBITION ON TAXATION.—None of
 19 the funds appropriated under titles II through VI of this
 20 Act may be made available to provide assistance for a for-
 21 eign country under a new bilateral agreement governing
 22 the terms and conditions under which such assistance is
 23 to be provided unless such agreement includes a provision
 24 stating that assistance provided by the United States shall
 25 be exempt from taxation, or reimbursed, by the foreign
 26 government, and the Secretary of State shall expeditiously

1 seek to negotiate amendments to existing bilateral agree-
2 ments, as necessary, to conform with this requirement.

3 (b) REIMBURSEMENT OF FOREIGN TAXES.—An
4 amount equivalent to 200 percent of the total taxes as-
5 sessed during fiscal year 2008 on funds appropriated by
6 this Act by a foreign government or entity against com-
7 modities financed under United States assistance pro-
8 grams for which funds are appropriated by this Act, either
9 directly or through grantees, contractors and subcontrac-
10 tors shall be withheld from obligation from funds appro-
11 priated for assistance for fiscal year 2009 and allocated
12 for the central government of such country and for the
13 West Bank and Gaza program to the extent that the Sec-
14 retary of State certifies and reports in writing to the Com-
15 mittees on Appropriations that such taxes have not been
16 reimbursed to the Government of the United States.

17 (c) DE MINIMIS EXCEPTION.—Foreign taxes of a de
18 minimis nature shall not be subject to the provisions of
19 subsection (b).

20 (d) REPROGRAMMING OF FUNDS.—Funds withheld
21 from obligation for each country or entity pursuant to sub-
22 section (b) shall be reprogrammed for assistance to coun-
23 tries which do not assess taxes on United States assistance
24 or which have an effective arrangement that is providing
25 substantial reimbursement of such taxes.

1 (e) DETERMINATIONS.—

2 (1) The provisions of this section shall not
3 apply to any country or entity the Secretary of State
4 determines—

5 (A) does not assess taxes on United States
6 assistance or which has an effective arrange-
7 ment that is providing substantial reimburse-
8 ment of such taxes; or

9 (B) the foreign policy interests of the
10 United States outweigh the purpose of this sec-
11 tion to ensure that United States assistance is
12 not subject to taxation.

13 (2) The Secretary of State shall consult with
14 the Committees on Appropriations at least 15 days
15 prior to exercising the authority of this subsection
16 with regard to any country or entity.

17 (f) IMPLEMENTATION.—The Secretary of State shall
18 issue rules, regulations, or policy guidance, as appropriate,
19 to implement the prohibition against the taxation of assist-
20 ance contained in this section.

21 (g) DEFINITIONS.—As used in this section—

22 (1) the terms “taxes” and “taxation” refer to
23 value added taxes and customs duties imposed on
24 commodities financed with United States assistance

1 for programs for which funds are appropriated by
2 this Act; and

3 (2) the term “bilateral agreement” refers to a
4 framework bilateral agreement between the Govern-
5 ment of the United States and the government of
6 the country receiving assistance that describes the
7 privileges and immunities applicable to United
8 States foreign assistance for such country generally,
9 or an individual agreement between the Government
10 of the United States and such government that de-
11 scribes, among other things, the treatment for tax
12 purposes that will be accorded the United States as-
13 sistance provided under that agreement.

14 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
15 COUNTRIES

16 SEC. 706. None of the funds appropriated or other-
17 wise made available pursuant to this Act shall be obligated
18 or expended to finance directly any assistance or repara-
19 tions to Cuba, North Korea, Iran, or Syria, unless the
20 President determines that assistance to such countries is
21 important to the national interest of the United States
22 and notifies the Committees on Appropriations in accord-
23 ance with the regular notification procedures: *Provided*,
24 That for purposes of this section, the prohibition on obli-
25 gations or expenditures shall include direct loans, credits,

1 insurance and guarantees of the Export-Import Bank or
2 its agents.

3 MILITARY COUPS

4 SEC. 707. None of the funds appropriated or other-
5 wise made available pursuant to titles II through VI of
6 this Act shall be obligated or expended to finance directly
7 any assistance to the government of any country whose
8 duly elected head of government is deposed by military
9 coup or decree: *Provided*, That assistance may be resumed
10 to such government if the President determines and cer-
11 tifies to the Committees on Appropriations that subse-
12 quent to the termination of assistance a democratically
13 elected government has taken office: *Provided further*,
14 That the provisions of this section shall not apply to as-
15 sistance to promote democratic elections or public partici-
16 pation in democratic processes: *Provided further*, That
17 funds made available pursuant to the previous provisos
18 shall be subject to the regular notification procedures of
19 the Committees on Appropriations.

20 TRANSFER AUTHORITY

21 SEC. 708. (a) DEPARTMENT OF STATE AND BROAD-
22 CASTING BOARD OF GOVERNORS.—Not to exceed 5 per-
23 cent of any appropriation made available for the current
24 fiscal year for the Department of State under title I of
25 this Act may be transferred between such appropriations,
26 but no such appropriation, except as otherwise specifically

1 provided, shall be increased by more than 10 percent by
2 any such transfers: *Provided*, That not to exceed 5 percent
3 of any appropriation made available for the current fiscal
4 year for the Broadcasting Board of Governors under title
5 I of this Act may be transferred between such appropria-
6 tions, but no such appropriation, except as otherwise spe-
7 cifically provided, shall be increased by more than 10 per-
8 cent by any such transfers: *Provided further*, That any
9 transfer pursuant to this section shall be treated as a re-
10 programming of funds under section 714(a) and (b) of
11 this Act and shall not be available for obligation or ex-
12 penditure except in compliance with the procedures set
13 forth in that section.

14 (b) EXPORT FINANCING TRANSFER AUTHORITIES.—
15 Not to exceed 5 percent of any appropriation other than
16 for administrative expenses made available for fiscal year
17 2009, for programs under title VI of this Act may be
18 transferred between such appropriations for use for any
19 of the purposes, programs, and activities for which the
20 funds in such receiving account may be used, but no such
21 appropriation, except as otherwise specifically provided,
22 shall be increased by more than 25 percent by any such
23 transfer: *Provided*, That the exercise of such authority
24 shall be subject to the regular notification procedures of
25 the Committees on Appropriations.

1 (c)(1) LIMITATION ON TRANSFERS BETWEEN AGEN-
2 CIES.—None of the funds made available under titles II
3 through VI of this Act may be transferred to any depart-
4 ment, agency, or instrumentality of the United States
5 Government, except pursuant to a transfer made by, or
6 transfer authority provided in, this Act or any other ap-
7 propriation Act.

8 (2) Notwithstanding paragraph (1), in addition to
9 transfers made by, or authorized elsewhere in, this Act,
10 funds appropriated by this Act to carry out the purposes
11 of the Foreign Assistance Act of 1961 may be allocated
12 or transferred to agencies of the United States Govern-
13 ment pursuant to the provisions of sections 109, 610, and
14 632 of the Foreign Assistance Act of 1961.

15 (d) TRANSFERS BETWEEN ACCOUNTS.—None of the
16 funds made available under titles II through VI of this
17 Act may be obligated under an appropriation account to
18 which they were not appropriated, except for transfers
19 specifically provided for in this Act, unless the President
20 provides notification in accordance with the regular notifi-
21 cation procedures of the Committees on Appropriations.

22 (e) AUDIT OF INTER-AGENCY TRANSFERS.—Any
23 agreement for the transfer or allocation of funds appro-
24 priated by this Act, or prior Acts, entered into between
25 the United States Agency for International Development

1 and another agency of the United States Government
2 under the authority of section 632(a) of the Foreign As-
3 sistance Act of 1961 or any comparable provision of law,
4 shall expressly provide that the Office of the Inspector
5 General for the agency receiving the transfer or allocation
6 of such funds shall perform periodic program and financial
7 audits of the use of such funds: *Provided*, That funds
8 transferred under such authority may be made available
9 for the cost of such audits.

10 COMMERCIAL LEASING OF DEFENSE ARTICLES

11 SEC. 709. Notwithstanding any other provision of
12 law, and subject to the regular notification procedures of
13 the Committees on Appropriations, the authority of sec-
14 tion 23(a) of the Arms Export Control Act may be used
15 to provide financing to Israel, Egypt and NATO and
16 major non-NATO allies for the procurement by leasing
17 (including leasing with an option to purchase) of defense
18 articles from United States commercial suppliers, not in-
19 cluding Major Defense Equipment (other than helicopters
20 and other types of aircraft having possible civilian applica-
21 tion), if the President determines that there are compel-
22 ling foreign policy or national security reasons for those
23 defense articles being provided by commercial lease rather
24 than by government-to-government sale under such Act.

1 AVAILABILITY OF FUNDS

2 SEC. 710. No part of any appropriation contained in
3 this Act shall remain available for obligation after the ex-
4 piration of the current fiscal year unless expressly so pro-
5 vided in this Act: *Provided*, That funds appropriated for
6 the purposes of chapters 1, 8, 11, and 12 of part I, section
7 661, section 667, chapters 4, 5, 6, 8, and 9 of part II
8 of the Foreign Assistance Act of 1961, section 23 of the
9 Arms Export Control Act, and funds provided under the
10 headings “Assistance for Europe, Eurasia and Central
11 Asia” and “Development Credit Authority”, shall remain
12 available for an additional 4 years from the date on which
13 the availability of such funds would otherwise have ex-
14 pired, if such funds are initially obligated before the expi-
15 ration of their respective periods of availability contained
16 in this Act: *Provided further*, That, notwithstanding any
17 other provision of this Act, any funds made available for
18 the purposes of chapter 1 of part I and chapter 4 of part
19 II of the Foreign Assistance Act of 1961 which are allo-
20 cated or obligated for cash disbursements in order to ad-
21 dress balance of payments or economic policy reform ob-
22 jectives, shall remain available until expended.

23 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

24 SEC. 711. No part of any appropriation provided
25 under titles II through VI in this Act shall be used to
26 furnish assistance to the government of any country which

1 is in default during a period in excess of 1 calendar year
2 in payment to the United States of principal or interest
3 on any loan made to the government of such country by
4 the United States pursuant to a program for which funds
5 are appropriated under this Act unless the President de-
6 termines, following consultations with the Committees on
7 Appropriations, that assistance to such country is in the
8 national interest of the United States.

9 COMMERCE AND TRADE

10 SEC. 712. (a) None of the funds appropriated or
11 made available pursuant to titles II through VI of this
12 Act for direct assistance and none of the funds otherwise
13 made available to the Export-Import Bank and the Over-
14 seas Private Investment Corporation shall be obligated or
15 expended to finance any loan, any assistance or any other
16 financial commitments for establishing or expanding pro-
17 duction of any commodity for export by any country other
18 than the United States, if the commodity is likely to be
19 in surplus on world markets at the time the resulting pro-
20 ductive capacity is expected to become operative and if the
21 assistance will cause substantial injury to United States
22 producers of the same, similar, or competing commodity:
23 *Provided*, That such prohibition shall not apply to the Ex-
24 port-Import Bank if in the judgment of its Board of Direc-
25 tors the benefits to industry and employment in the
26 United States are likely to outweigh the injury to United

1 States producers of the same, similar, or competing com-
 2 modity, and the Chairman of the Board so notifies the
 3 Committees on Appropriations.

4 (b) None of the funds appropriated by this or any
 5 other Act to carry out chapter 1 of part I of the Foreign
 6 Assistance Act of 1961 shall be available for any testing
 7 or breeding feasibility study, variety improvement or intro-
 8 duction, consultancy, publication, conference, or training
 9 in connection with the growth or production in a foreign
 10 country of an agricultural commodity for export which
 11 would compete with a similar commodity grown or pro-
 12 duced in the United States: *Provided*, That this subsection
 13 shall not prohibit—

14 (1) activities designed to increase food security
 15 in developing countries where such activities will not
 16 have a significant impact on the export of agricul-
 17 tural commodities of the United States; or

18 (2) research activities intended primarily to
 19 benefit American producers.

20 SURPLUS COMMODITIES

21 SEC. 713. The Secretary of the Treasury shall in-
 22 struct the United States Executive Directors to the Inter-
 23 national Bank for Reconstruction and Development, the
 24 International Development Association, the International
 25 Finance Corporation, the Inter-American Development
 26 Bank, the International Monetary Fund, the Inter-Amer-

1 ican Investment Corporation, the Asian Development
2 Bank, the African Development Bank, the African Devel-
3 opment Fund, the North American Development Bank,
4 and the European Bank for Reconstruction and Develop-
5 ment to use the voice and vote of the United States to
6 oppose any assistance by these institutions, using funds
7 appropriated or made available pursuant to titles II
8 through VI of this Act, for the production or extraction
9 of any commodity or mineral for export, if it is in surplus
10 on world markets and if the assistance will cause substan-
11 tial injury to United States producers of the same, similar,
12 or competing commodity.

13 REPROGRAMMING NOTIFICATION REQUIREMENTS

14 SEC. 714. (a) None of the funds made available in
15 title I of this Act, or in prior appropriations Acts to the
16 agencies and departments funded by this Act that remain
17 available for obligation or expenditure in fiscal year 2009,
18 or provided from any accounts in the Treasury of the
19 United States derived by the collection of fees or of cur-
20 rency reflows or other offsetting collections, or made avail-
21 able by transfer, to the agencies and departments funded
22 by this Act, shall be available for obligation or expenditure
23 through a reprogramming of funds that: (1) creates new
24 programs; (2) eliminates a program, project, or activity;
25 (3) increases funds or personnel by any means for any
26 project or activity for which funds have been denied or

1 restricted; (4) relocates an office or employees; (5) closes
2 or opens a mission or post; (6) reorganizes or renames
3 offices; (7) reorganizes programs or activities; or (8) con-
4 tracts out or privatizes any functions or activities pres-
5 ently performed by Federal employees; unless the Commit-
6 tees on Appropriations are notified 15 days in advance of
7 such reprogramming of funds.

8 (b) For the purposes of providing the executive
9 branch with the necessary administrative flexibility, none
10 of the funds provided under title I of this Act, or provided
11 under previous appropriations Acts to the agency or de-
12 partment funded under title I of this Act that remain
13 available for obligation or expenditure in fiscal year 2009,
14 or provided from any accounts in the Treasury of the
15 United States derived by the collection of fees available
16 to the agency or department funded by title I of this Act,
17 shall be available for obligation or expenditure for activi-
18 ties, programs, or projects through a reprogramming of
19 funds in excess of \$750,000 or 10 percent, whichever is
20 less, that: (1) augments existing programs, projects, or ac-
21 tivities; (2) reduces by 10 percent funding for any existing
22 program, project, or activity, or numbers of personnel by
23 10 percent as justified to Congress; or (3) results from
24 any general savings, including savings from a reduction
25 in personnel, which would result in a change in existing

1 programs, activities, or projects as justified to Congress;
2 unless the Committees on Appropriations are notified 15
3 days in advance of such reprogramming of funds.

4 (c) For the purposes of providing the executive
5 branch with the necessary administrative flexibility, none
6 of the funds made available under titles II through IV of
7 this Act for “Global Health and Child Survival”, “Devel-
8 opment Assistance”, “International Organizations and
9 Programs”, “Trade and Development Agency”, “Inter-
10 national Narcotics Control and Law Enforcement”, “An-
11 dean Counterdrug Programs”, “Assistance for Europe,
12 Eurasia and Central Asia”, “Economic Support Fund”,
13 “Democracy Fund”, “Peacekeeping Operations”, “Capital
14 Investment Fund”, “Operating Expenses of the United
15 States Agency for International Development”, “Oper-
16 ating Expenses of the United States Agency for Inter-
17 national Development Office of Inspector General”, “Non-
18 proliferation, Anti-terrorism, Demining and Related Pro-
19 grams”, “Millennium Challenge Corporation” (by country
20 only), “Foreign Military Financing Program”, “Inter-
21 national Military Education and Training”, “Peace
22 Corps”, and “Migration and Refugee Assistance”, shall be
23 available for obligation for activities, programs, projects,
24 type of materiel assistance, countries, or other operations
25 not justified or in excess of the amount justified to the

1 Committees on Appropriations for obligation under any of
2 these specific headings unless the Committees on Appro-
3 priations are previously notified 15 days in advance: *Pro-*
4 *vided*, That the President shall not enter into any commit-
5 ment of funds appropriated for the purposes of section 23
6 of the Arms Export Control Act for the provision of major
7 defense equipment, other than conventional ammunition,
8 or other major defense items defined to be aircraft, ships,
9 missiles, or combat vehicles, not previously justified to
10 Congress or 20 percent in excess of the quantities justified
11 to Congress unless the Committees on Appropriations are
12 notified 15 days in advance of such commitment: *Provided*
13 *further*, That this subsection shall not apply to any re-
14 programming for an activity, program, or project for
15 which funds are appropriated under titles II through IV
16 of this Act of less than 10 percent of the amount pre-
17 viously justified to the Congress for obligation for such
18 activity, program, or project for the current fiscal year.

19 (d) Notwithstanding any other provision of law, funds
20 transferred by the Department of Defense to the Depart-
21 ment of State and the United States Agency for Inter-
22 national Development shall be subject to the regular noti-
23 fication procedures of the Committees on Appropriations,
24 and the agency receiving the transfer or allocation shall
25 perform periodic program financial audits of the use of

1 such funds and such funds may be made available for the
2 cost of such audits.

3 (e) The requirements of this section or any similar
4 provision of this Act or any other Act, including any prior
5 Act requiring notification in accordance with the regular
6 notification procedures of the Committees on Appropria-
7 tions, may be waived if failure to do so would pose a sub-
8 stantial risk to human health or welfare: *Provided*, That
9 in case of any such waiver, notification to the Congress,
10 or the appropriate congressional committees, shall be pro-
11 vided as early as practicable, but in no event later than
12 3 days after taking the action to which such notification
13 requirement was applicable, in the context of the cir-
14 cumstances necessitating such waiver: *Provided further*,
15 That any notification provided pursuant to such a waiver
16 shall contain an explanation of the emergency cir-
17 cumstances.

18 LIMITATION ON AVAILABILITY OF FUNDS FOR
19 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

20 SEC. 715. Subject to the regular notification proce-
21 dures of the Committees on Appropriations, funds appro-
22 priated under titles II through VI of this Act or any pre-
23 viously enacted Act making appropriations for foreign op-
24 erations, export financing, and related programs, which
25 are returned or not made available for organizations and
26 programs because of the implementation of section 307(a)

1 of the Foreign Assistance Act of 1961, shall remain avail-
 2 able for obligation until September 30, 2010.

3 NEAR EAST SECURITY AND STABILITY

4 SEC. 716. (a) BAHRAIN.—Of the funds appropriated
 5 under the heading “Foreign Military Financing Program”
 6 in this Act, up to \$19,500,000 may be made available for
 7 assistance for Bahrain.

8 (b) EGYPT.—

9 (1) Of the funds appropriated under the head-
 10 ing “Economic Support Fund” in this Act, not less
 11 than \$200,000,000 shall be made available for as-
 12 sistance for Egypt, which sum shall be provided on
 13 a grant basis, and of which sum cash transfer assist-
 14 ance shall be provided with the understanding that
 15 Egypt will undertake significant economic and demo-
 16 cratic reforms which are additional to those which
 17 were undertaken in previous fiscal years: *Provided,*
 18 That not less than \$10,000,000 of such funds shall
 19 be made available for scholarships for Egyptian stu-
 20 dents with high financial needs.

21 (2) Of the funds appropriated under the head-
 22 ing “Foreign Military Financing Program” in this
 23 Act, not less than \$1,300,000,000 shall be made
 24 available for grants only for Egypt, including for
 25 border security programs and activities in the Sinai:
 26 *Provided,* That foreign military financing program

1 funds estimated to be outlaid for Egypt during fis-
2 cal year 2009 shall be transferred to an interest
3 bearing account for Egypt in the Federal Reserve
4 Bank of New York within 30 days of enactment of
5 this Act.

6 (3) Of the funds appropriated by this Act and
7 prior Acts making appropriations for foreign oper-
8 ations, export financing and related programs under
9 the heading “Economic Support Fund”, up to
10 \$200,000,000 may be made available for an endow-
11 ment to further economic and political reforms in
12 Egypt: *Provided*, That the Secretary of State shall
13 consult with the Committees on Appropriations on
14 the establishment of such an endowment.

15 (c) IRAQ.—Of the funds appropriated under the
16 headings “Economic Support Fund” and “International
17 Narcotics Control and Law Enforcement” in this Act, not
18 more than \$75,000,000 shall be made available for pro-
19 grams and activities in Iraq.

20 (d) ISRAEL.—

21 (1) Of the funds appropriated under the head-
22 ing “Foreign Military Financing Program” in this
23 Act, not less than \$2,380,000,000 shall be made
24 available for grants only for Israel, which shall be
25 disbursed within 30 days of enactment of this Act

1 or by October 31, 2008, whichever is later: *Provided*,
2 That to the extent the Government of Israel requests
3 that funds be used for such purposes, grants made
4 available for Israel by this section shall, as agreed
5 by Israel and the United States, be available for ad-
6 vanced weapons systems, of which not less than
7 \$670,650,000 shall be available for the procurement
8 in Israel of defense articles and defense services, in-
9 cluding research and development.

10 (2) Of the funds appropriated under the head-
11 ing “Migration and Refugee Assistance” in this Act,
12 not less than \$30,000,000 shall be made available
13 for refugees resettling in Israel.

14 (e) JORDAN.—

15 (1) Of the funds appropriated under the head-
16 ing “Economic Support Fund” in this Act, not less
17 than \$263,547,000 shall be made available for as-
18 sistance for Jordan.

19 (2) Of the funds appropriated under the head-
20 ing “Foreign Military Financing Program” in this
21 Act, not less than \$235,000,000 shall be made avail-
22 able for assistance for Jordan.

23 (f) LEBANON.—

24 (1) Of the funds appropriated under the head-
25 ing “Economic Support Fund” in this Act, up to

1 \$67,500,000 may be made available for assistance
2 for Lebanon, of which not less than \$10,000,000
3 shall be made available for scholarships in Lebanon,
4 and of which not less than \$500,000 shall be made
5 available to the United States Forest Service for for-
6 est management and wildlife conservation programs
7 in Lebanon and the region.

8 (2) Of the funds appropriated under the head-
9 ing “Foreign Military Financing Program” in this
10 Act, up to \$62,200,000 may be made available for
11 assistance for Lebanon.

12 (g) LIBYA.—Notwithstanding any other provision of
13 law, of the funds appropriated under the heading “Non-
14 proliferation, Anti-terrorism, Demining and Related Pro-
15 grams” in this Act, up to \$750,000 shall be made avail-
16 able for assistance for Libya.

17 (h) OMAN.—Of the funds appropriated under the
18 heading “Foreign Military Financing Program” in this
19 Act, up to \$12,000,000 may be made available for assist-
20 ance for Oman.

21 (i) TUNISIA.—Of the funds appropriated under the
22 heading “Foreign Military Financing Program” in this
23 Act, \$8,360,000 shall be made available for assistance for
24 Tunisia.

1 (j) TURKEY.—Of the funds appropriated under the
 2 heading “Economic Support Fund” in this Act,
 3 \$15,000,000 shall be made available for economic develop-
 4 ment programs along the border of Iraq.

5 (k) WEST BANK AND GAZA.—

6 (1) Of the funds appropriated under the head-
 7 ing “Economic Support Fund” in this Act,
 8 \$75,000,000 shall be made available for assistance
 9 for the West Bank and Gaza.

10 (2) The terms and conditions of sections 635,
 11 644, 647, 650, 655, 656, 657 (except subsection
 12 (f)), and the eighth through twelfth provisos under
 13 the heading “Economic Support Fund” of the De-
 14 partment of State, Foreign Operations, and Related
 15 Programs Appropriations Act, 2008 (division J of
 16 Public Law 110–161) shall apply to assistance for
 17 the West Bank and Gaza in this Act.

18 PROHIBITION ON FUNDING FOR ABORTIONS AND

19 INVOLUNTARY STERILIZATION

20 SEC. 717. (a) None of the funds made available to
 21 carry out part I of the Foreign Assistance Act of 1961,
 22 as amended, may be used to pay for: the performance of
 23 abortions as a method of family planning or to motivate
 24 or coerce any person to practice abortions; the perform-
 25 ance of involuntary sterilization as a method of family
 26 planning or to coerce or provide any financial incentive

1 to any person to undergo sterilizations; or any biomedical
 2 research which relates in whole or in part, to methods of,
 3 or the performance of, abortions or involuntary steriliza-
 4 tion as a means of family planning.

5 (b) None of the funds made available to carry out
 6 part I of the Foreign Assistance Act of 1961, as amended,
 7 may be obligated or expended for any country or organiza-
 8 tion if the President certifies to the Committees on Appro-
 9 priations that the use of these funds by any such country
 10 or organization would violate any of the restrictions con-
 11 tained in subsection (a).

12 ALLOCATIONS

13 SEC. 718. (a) Funds provided in this Act for the fol-
 14 lowing accounts shall be made available for programs and
 15 countries in the amounts contained in the respective tables
 16 included in the Committee report accompanying this Act:

17 “Diplomatic and Consular Programs”.

18 “Educational and Cultural Exchange Pro-
 19 grams”.

20 “International Broadcasting Operations”.

21 “National Endowment for Democracy”.

22 “Global Health and Child Survival”.

23 “Development Assistance”.

24 “Economic Support Fund”.

25 “Democracy Fund”.

1 “Assistance for Europe, Eurasia and Central
2 Asia”.

3 “International Narcotics Control and Law En-
4 forcement”.

5 “Andean Counterdrug Programs”.

6 “Nonproliferation, Anti-Terrorism, Demining
7 and Related Programs”.

8 “Millennium Challenge Corporation”.

9 “Foreign Military Financing Program”.

10 “International Organizations and Programs”.

11 (b) Any proposed increases or decreases to the
12 amounts contained in such tables in the Committee Report
13 shall be subject to the regular notification procedures of
14 the Committees on Appropriations and section 634A of
15 the Foreign Assistance Act of 1961.

16 SPECIAL NOTIFICATION REQUIREMENTS

17 SEC. 719. None of the funds appropriated under ti-
18 tles II through VI of this Act shall be obligated or ex-
19 pended for assistance for Serbia, Sudan, Zimbabwe, Cuba,
20 Iran, Haiti, Libya, Ethiopia, Mexico, or Cambodia except
21 as provided through the regular notification procedures of
22 the Committees on Appropriations.

23 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

24 SEC. 720. For the purpose of titles II through VI
25 of this Act “program, project, and activity” shall be de-
26 fined at the appropriations Act account level and shall in-

1 clude all appropriations and authorizations Acts funding
 2 directives, ceilings, and limitations with the exception that
 3 for the following accounts: “Economic Support Fund” and
 4 “Foreign Military Financing Program”, “program,
 5 project, and activity” shall also be considered to include
 6 country, regional, and central program level funding with-
 7 in each such account; for the development assistance ac-
 8 counts of the United States Agency for International De-
 9 velopment “program, project, and activity” shall also be
 10 considered to include central, country, regional, and pro-
 11 gram level funding, either as: (1) justified to the Congress;
 12 or (2) allocated by the executive branch in accordance with
 13 a report, to be provided to the Committees on Appropria-
 14 tions within 30 days of the enactment of this Act, as re-
 15 quired by section 653(a) of the Foreign Assistance Act
 16 of 1961.

17 GLOBAL HEALTH AND CHILD SURVIVAL ACTIVITIES

18 SEC. 721. Up to \$13,500,000 of the funds made
 19 available by this Act in title III for assistance under the
 20 heading “Global Health and Child Survival”, may be used
 21 to reimburse United States Government agencies, agencies
 22 of State governments, institutions of higher learning, and
 23 private and voluntary organizations for the full cost of in-
 24 dividuals (including for the personal services of such indi-
 25 viduals) detailed or assigned to, or contracted by, as the
 26 case may be, the United States Agency for International

1 Development for the purpose of carrying out activities
 2 under that heading: *Provided*, That up to \$3,500,000 of
 3 the funds made available by this Act for assistance under
 4 the heading “Development Assistance” may be used to re-
 5 imburse such agencies, institutions, and organizations for
 6 such costs of such individuals carrying out other develop-
 7 ment assistance activities: *Provided further*, That funds
 8 appropriated by titles III and IV of this Act that are made
 9 available for bilateral assistance for child survival activi-
 10 ties or disease programs including activities relating to re-
 11 search on, and the prevention, treatment and control of,
 12 HIV/AIDS may be made available notwithstanding any
 13 other provision of law except for the provisions under the
 14 heading “Global Health and Child Survival” and the
 15 United States Leadership Against HIV/AIDS, Tuber-
 16 culosis, and Malaria Act of 2003 (117 Stat. 711; 22
 17 U.S.C. 7601 et seq.), as amended: *Provided further*, That
 18 of the funds appropriated under title III of this Act, not
 19 less than \$475,000,000 shall be made available for family
 20 planning/reproductive health.

21 AFGHANISTAN

22 SEC. 722. Of the funds appropriated under titles III
 23 and V of this Act, not less than \$991,950,000 should be
 24 made available for assistance for Afghanistan: *Provided*,
 25 That of the funds allocated for assistance for Afghanistan
 26 from this Act not less than \$100,000,000 shall be made

1 available to support programs that directly address the
2 needs of Afghan women and girls, including for the Af-
3 ghan Independent Human Rights Commission, the Afghan
4 Ministry of Women's Affairs, and for women-led nonprofit
5 organizations in Afghanistan: *Provided further*, That of
6 the funds appropriated by this Act that are available for
7 education programs in Afghanistan, not less than 50 per-
8 cent shall be made available to support higher education
9 and vocational training programs in law, business, medi-
10 cine, engineering, public administration, and other fields
11 necessary to rebuild the country, in which the participa-
12 tion of women is emphasized: *Provided further*, That of
13 the funds appropriated by this Act that are available for
14 Afghanistan, not less than \$12,000,000 shall be made
15 available for continued support of the United States Agen-
16 cy for International Development's Afghan Civilian Assist-
17 ance Program.

18 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

19 SEC. 723. Prior to providing excess Department of
20 Defense articles in accordance with section 516(a) of the
21 Foreign Assistance Act of 1961, the Department of De-
22 fense shall notify the Committees on Appropriations to the
23 same extent and under the same conditions as are other
24 committees pursuant to subsection (f) of that section: *Pro-*
25 *vided*, That before issuing a letter of offer to sell excess
26 defense articles under the Arms Export Control Act, the

1 Department of Defense shall notify the Committees on
 2 Appropriations in accordance with the regular notification
 3 procedures of such Committees if such defense articles are
 4 significant military equipment (as defined in section 47(9)
 5 of the Arms Export Control Act) or are valued (in terms
 6 of original acquisition cost) at \$7,000,000 or more, or if
 7 notification is required elsewhere in this Act for the use
 8 of appropriated funds for specific countries that would re-
 9 ceive such excess defense articles: *Provided further*, That
 10 such Committees shall also be informed of the original ac-
 11 quisition cost of such defense articles.

12 GLOBAL FUND MANAGEMENT

13 SEC. 724. (a) Notwithstanding any other provision
 14 of this Act, 10 percent of the funds that are appropriated
 15 by this Act for a contribution to support the Global Fund
 16 to Fight AIDS, Tuberculosis and Malaria (the “Global
 17 Fund”) shall be withheld from obligation to the Global
 18 Fund until the Secretary of State reports to the Commit-
 19 tees on Appropriations that the Global Fund—

20 (1) is releasing incremental disbursements only
 21 if grantees demonstrate progress against clearly de-
 22 fined performance indicators; and

23 (2) is continuing to make progress toward im-
 24 plementing a reporting system that breaks down
 25 grantee budget allocations by programmatic activity.

1 PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST
2 COUNTRIES

3 SEC. 725. (a) Funds appropriated for bilateral assist-
4 ance under any heading of this Act and funds appro-
5 priated under any such heading in a provision of law en-
6 acted prior to the enactment of this Act, shall not be made
7 available to any country which the President determines—

8 (1) grants sanctuary from prosecution to any
9 individual or group which has committed an act of
10 international terrorism; or

11 (2) otherwise supports international terrorism.

12 (b) The President may waive the application of sub-
13 section (a) to a country if the President determines that
14 national security or humanitarian reasons justify such
15 waiver. The President shall publish each waiver in the
16 Federal Register and, at least 15 days before the waiver
17 takes effect, shall notify the Committees on Appropria-
18 tions of the waiver (including the justification for the waiv-
19 er) in accordance with the regular notification procedures
20 of the Committees on Appropriations.

21 DEBT-FOR-DEVELOPMENT

22 SEC. 726. In order to enhance the continued partici-
23 pation of nongovernmental organizations in debt-for-devel-
24 opment and debt-for-nature exchanges, a nongovern-
25 mental organization which is a grantee or contractor of
26 the United States Agency for International Development

1 may place in interest bearing accounts local currencies
 2 which accrue to that organization as a result of economic
 3 assistance provided under title III of this Act and, subject
 4 to the regular notification procedures of the Committees
 5 on Appropriations, any interest earned on such investment
 6 shall be used for the purpose for which the assistance was
 7 provided to that organization.

8 SEPARATE ACCOUNTS

9 SEC. 727. (a) SEPARATE ACCOUNTS FOR LOCAL
 10 CURRENCIES.—

11 (1) If assistance is furnished to the government
 12 of a foreign country under chapters 1 and 10 of part
 13 I or chapter 4 of part II of the Foreign Assistance
 14 Act of 1961 under agreements which result in the
 15 generation of local currencies of that country, the
 16 Administrator of the United States Agency for
 17 International Development shall—

18 (A) require that local currencies be depos-
 19 ited in a separate account established by that
 20 government;

21 (B) enter into an agreement with that gov-
 22 ernment which sets forth—

23 (i) the amount of the local currencies
 24 to be generated; and

1 (ii) the terms and conditions under
2 which the currencies so deposited may be
3 utilized, consistent with this section; and

4 (C) establish by agreement with that gov-
5 ernment the responsibilities of the United
6 States Agency for International Development
7 and that government to monitor and account
8 for deposits into and disbursements from the
9 separate account.

10 (2) USES OF LOCAL CURRENCIES.—As may be
11 agreed upon with the foreign government, local cur-
12 rencies deposited in a separate account pursuant to
13 subsection (a), or an equivalent amount of local cur-
14 rencies, shall be used only—

15 (A) to carry out chapter 1 or 10 of part
16 I or chapter 4 of part II (as the case may be),
17 for such purposes as—

18 (i) project and sector assistance activi-
19 ties; or

20 (ii) debt and deficit financing; or

21 (B) for the administrative requirements of
22 the United States Government.

23 (3) PROGRAMMING ACCOUNTABILITY.—The
24 United States Agency for International Development
25 shall take all necessary steps to ensure that the

1 equivalent of the local currencies disbursed pursuant
2 to subsection (a)(2)(A) from the separate account
3 established pursuant to subsection (a)(1) are used
4 for the purposes agreed upon pursuant to subsection
5 (a)(2).

6 (4) TERMINATION OF ASSISTANCE PRO-
7 GRAMS.—Upon termination of assistance to a coun-
8 try under chapter 1 or 10 of part I or chapter 4 of
9 part II (as the case may be), any unencumbered bal-
10 ances of funds which remain in a separate account
11 established pursuant to subsection (a) shall be dis-
12 posed of for such purposes as may be agreed to by
13 the government of that country and the United
14 States Government.

15 (5) REPORTING REQUIREMENT.—The Adminis-
16 trator of the United States Agency for International
17 Development shall report on an annual basis as part
18 of the justification documents submitted to the Com-
19 mittees on Appropriations on the use of local cur-
20 rencies for the administrative requirements of the
21 United States Government as authorized in sub-
22 section (a)(2)(B), and such report shall include the
23 amount of local currency (and United States dollar
24 equivalent) used and/or to be used for such purpose
25 in each applicable country.

1 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

2 (1) If assistance is made available to the gov-
3 ernment of a foreign country, under chapter 1 or 10
4 of part I or chapter 4 of part II of the Foreign As-
5 sistance Act of 1961, as cash transfer assistance or
6 as nonproject sector assistance, that country shall be
7 required to maintain such funds in a separate ac-
8 count and not commingle them with any other
9 funds.

10 (2) APPLICABILITY OF OTHER PROVISIONS OF
11 LAW.—Such funds may be obligated and expended
12 notwithstanding provisions of law which are incon-
13 sistent with the nature of this assistance including
14 provisions which are referenced in the Joint Explan-
15 atory Statement of the Committee of Conference ac-
16 companying House Joint Resolution 648 (House Re-
17 port No. 98–1159).

18 (3) NOTIFICATION.—At least 15 days prior to
19 obligating any such cash transfer or nonproject sec-
20 tor assistance, the President shall submit a notifica-
21 tion through the regular notification procedures of
22 the Committees on Appropriations, which shall in-
23 clude a detailed description of how the funds pro-
24 posed to be made available will be used, with a dis-
25 cussion of the United States interests that will be

1 served by the assistance (including, as appropriate,
 2 a description of the economic policy reforms that will
 3 be promoted by such assistance).

4 (4) EXEMPTION.—Nonproject sector assistance
 5 funds may be exempt from the requirements of sub-
 6 section (b)(1) only through the notification proce-
 7 dures of the Committees on Appropriations.

8 ENTERPRISE FUNDS

9 SEC. 728. (a) Prior to the distribution of any assets
 10 resulting from any liquidation, dissolution, or winding up
 11 of an Enterprise Fund, in whole or in part, the President
 12 shall submit to the Committees on Appropriations, in ac-
 13 cordance with the regular notification procedures of the
 14 Committees on Appropriations, a plan for the distribution
 15 of the assets of the Enterprise Fund.

16 (b) Funds made available under titles II through VI
 17 of this Act for Enterprise Funds shall be expended at the
 18 minimum rate necessary to make timely payment for
 19 projects and activities.

20 AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN
 21 FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

22 SEC. 729. Unless expressly provided to the contrary,
 23 provisions of this or any other Act, including provisions
 24 contained in prior Acts authorizing or making appropria-
 25 tions for foreign operations, export financing, and related
 26 programs, shall not be construed to prohibit activities au-

1 thorized by or conducted under the Peace Corps Act, the
 2 Inter-American Foundation Act or the African Develop-
 3 ment Foundation Act. The agency shall promptly report
 4 to the Committees on Appropriations whenever it is con-
 5 ducting activities or is proposing to conduct activities in
 6 a country for which assistance is prohibited.

7 IMPACT ON JOBS IN THE UNITED STATES

8 SEC. 730. None of the funds appropriated under ti-
 9 tles II through VI of this Act may be obligated or ex-
 10 pended to provide—

11 (1) any financial incentive to a business enter-
 12 prise currently located in the United States for the
 13 purpose of inducing such an enterprise to relocate
 14 outside the United States if such incentive or in-
 15 ducement is likely to reduce the number of employ-
 16 ees of such business enterprise in the United States
 17 because United States production is being replaced
 18 by such enterprise outside the United States; or

19 (2) assistance for any program, project, or ac-
 20 tivity that contributes to the violation of internation-
 21 ally recognized workers rights, as defined in section
 22 507(4) of the Trade Act of 1974, of workers in the
 23 recipient country, including any designated zone or
 24 area in that country: *Provided*, That the application
 25 of section 507(4)(D) and (E) of such Act should be
 26 commensurate with the level of development of the

1 recipient country and sector, and shall not preclude
2 assistance for the informal sector in such country,
3 micro and small-scale enterprise, and smallholder
4 agriculture.

5 COMPREHENSIVE EXPENDITURES REPORT

6 SEC. 731. Not later than 180 days after the date of
7 enactment of this Act, the Secretary of State shall submit
8 a report to the Committees on Appropriations detailing
9 the total amount of United States Government expendi-
10 tures in fiscal year 2008, by Federal agency, for programs
11 and activities in each foreign country, identifying the line
12 item as presented in the President's Budget Appendix and
13 the purpose for which the funds were provided: *Provided*,
14 That if required, information may be submitted in classi-
15 fied form.

16 SPECIAL AUTHORITIES

17 SEC. 732. (a) AFGHANISTAN, SUDAN, IRAQ, PAKI-
18 STAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DIS-
19 PLACED CHILDREN, AND DISPLACED BURMESE.—Funds
20 appropriated under titles II through VI of this Act that
21 are made available for assistance for Afghanistan may be
22 made available notwithstanding section 711 of this Act or
23 any similar provision of law and section 660 of the For-
24 eign Assistance Act of 1961, and funds appropriated in
25 titles III and VI of this Act that are made available for
26 Sudan, Iraq, Lebanon, Montenegro, Pakistan, and for vic-

1 tims of war, displaced children, and displaced Burmese,
2 and to assist victims of trafficking in persons and, subject
3 to the regular notification procedures of the Committees
4 on Appropriations, to combat such trafficking, may be
5 made available notwithstanding any other provision of law.

6 (b) TROPICAL FORESTRY AND BIODIVERSITY CON-
7 SERVATION ACTIVITIES.—Funds appropriated by this Act
8 to carry out the provisions of sections 103 through 106,
9 and chapter 4 of part II, of the Foreign Assistance Act
10 of 1961 may be used, notwithstanding any other provision
11 of law, for the purpose of supporting tropical forest and
12 biodiversity conservation activities and renewable energy
13 and energy end-use efficiency programs to reduce carbon
14 emissions: *Provided*, That such assistance shall be subject
15 to the regular notification procedures of the Committees
16 on Appropriations.

17 (c) PERSONAL SERVICES CONTRACTORS.—Funds ap-
18 propriated by this Act to carry out chapter 1 of part I,
19 chapter 4 of part II, and section 667 of the Foreign As-
20 sistance Act of 1961, and title II of the Agricultural Trade
21 Development and Assistance Act of 1954, may be used
22 by the United States Agency for International Develop-
23 ment to employ up to 25 personal services contractors in
24 the United States, notwithstanding any other provision of
25 law, for the purpose of providing direct, interim support

1 for new or expanded overseas programs and activities
2 managed by the agency until permanent direct hire per-
3 sonnel are hired and trained: *Provided*, That not more
4 than 10 of such contractors shall be assigned to any bu-
5 reau or office: *Provided further*, That such funds appro-
6 priated to carry out title II of the Agricultural Trade De-
7 velopment and Assistance Act of 1954, may be made avail-
8 able only for personal services contractors assigned to the
9 Office of Food for Peace.

10 (d)(1) WAIVER.—The President may waive the provi-
11 sions of section 1003 of Public Law 100–204 if the Presi-
12 dent determines and certifies in writing to the Speaker
13 of the House of Representatives and the President pro
14 tempore of the Senate that it is important to the national
15 security interests of the United States.

16 (2) PERIOD OF APPLICATION OF WAIVER.—Any waiv-
17 er pursuant to paragraph (1) shall be effective for no more
18 than a period of 6 months at a time and shall not apply
19 beyond 12 months after the enactment of this Act.

20 (e) SMALL BUSINESS.—In entering into multiple
21 award indefinite-quantity contracts with funds appro-
22 priated by this Act, the United States Agency for Inter-
23 national Development may provide an exception to the fair
24 opportunity process for placing task orders under such

1 contracts when the order is placed with any category of
2 small or small disadvantaged business.

3 (f) VIETNAMESE REFUGEES.—Section 594(a) of the
4 Foreign Operations, Export Financing, and Related Pro-
5 grams Appropriations Act, 2005 (enacted as division D
6 of Public Law 108–447; 118 Stat. 3038) is amended by
7 striking “2009” and inserting “2010”.

8 (g) RECONSTITUTING CIVILIAN POLICE AUTHOR-
9 ITY.—In providing assistance with funds appropriated by
10 this Act under section 660(b)(6) of the Foreign Assistance
11 Act of 1961, support for a nation emerging from insta-
12 bility may be deemed to mean support for regional, dis-
13 trict, municipal, or other sub-national entity emerging
14 from instability, as well as a nation emerging from insta-
15 bility.

16 (h) MILLENNIUM CHALLENGE CORPORATION.—The
17 Millennium Challenge Corporation Act of 2003 (22 U.S.C.
18 7701 et seq.) is amended in section 615 (22 U.S.C. 7714)
19 by inserting the following new subsection at the end;

20 “(c) REIMBURSEMENT.—The Corporation shall reim-
21 burse the United States Agency for International Develop-
22 ment for all expenses incurred by the Agency in assisting
23 the Corporation in carrying out this title, including admin-
24 istrative costs for compact development, negotiation, and
25 implementation.”.

1 (i) AUTHORITY.—Funds appropriated or otherwise
2 made available by title III of the Department of State,
3 Foreign Operations, and Related Programs Appropria-
4 tions Act, 2008 (division J of Public Law 110–161) under
5 the heading “Economic Support Fund” that are available
6 for a competitively awarded grant for nuclear security ini-
7 tiatives relating to North Korea shall be made available
8 notwithstanding any other provision of law.

9 (j) EXTENSION OF AUTHORITY.—The Foreign Oper-
10 ations, Export Financing, and Related Programs Appro-
11 priations Act, 1990 (Public Law 101–167) is amended—

12 (1) in section 599D (8 U.S.C. 1157 note)—

13 (A) in subsection (b)(3), by striking “and
14 2008” and inserting “2008, and 2009”; and

15 (B) in subsection (e), by striking “2008”
16 each place it appears and inserting “2009”; and

17 (2) in section 599E (8 U.S.C. 1255 note) in
18 subsection (b)(2), by striking “2008” and inserting
19 “2009”.

20 (k) WORLD FOOD PROGRAM.—Of the funds managed
21 by the Bureau for Democracy, Conflict, and Humanitarian
22 Assistance of the United States Agency for International
23 Development, from this or any other Act, not less than
24 \$10,000,000 shall be made available as a general contribu-

1 tion to the World Food Program, notwithstanding any
 2 other provision of law.

3 (l) DISARMAMENT, DEMOBILIZATION AND RE-
 4 INTEGRATION.—Notwithstanding any other provision of
 5 law, regulation or Executive order, funds appropriated by
 6 this Act and prior Acts making appropriations for foreign
 7 operations, export financing, and related programs under
 8 the headings “Economic Support Fund”, “Peacekeeping
 9 Operations”, “International Disaster Assistance”, and
 10 “Transition Initiatives” should be made available to sup-
 11 port programs to disarm, demobilize, and reintegrate into
 12 civilian society former members of foreign terrorist organi-
 13 zations: *Provided*, That the Secretary of State shall con-
 14 sult with the Committees on Appropriations prior to the
 15 obligation of funds pursuant to this subsection: *Provided*
 16 *further*, That for the purposes of this subsection the term
 17 “foreign terrorist organization” means an organization
 18 designated as a terrorist organization under section 219
 19 of the Immigration and Nationality Act.

20 (m) NONGOVERNMENTAL ORGANIZATIONS.—With
 21 respect to the provision of assistance for democracy,
 22 human rights and governance activities, the organizations
 23 implementing such assistance and the specific nature of
 24 that assistance shall not be subject to the prior approval
 25 by the government of any foreign country.

1 (n) BROADCASTING BOARD OF GOVERNORS AUTHOR-
2 ITY.—Section 504(c) of the Foreign Relations Authoriza-
3 tion Act, Fiscal Year 2003 (Public Law 107–228; 22
4 U.S.C. 6206 note) is amended by striking “December 31,
5 2008” and inserting “December 31, 2009”.

6 (o) SECTION 907.—Section 907 of the FREEDOM
7 Support Act (Public Law 102–511) is amended by insert-
8 ing “(a)” at the beginning of the section and inserting
9 after “Nagorno-Karabakh.” the following new subsection:

10 “(b)(1) Subsection (a) shall not apply to—

11 “(A) activities to support democracy or assist-
12 ance under title V of this Act and section 1424 of
13 Public Law 104–201 or non-proliferation assistance;

14 “(B) any assistance provided by the Trade and
15 Development Agency under section 661 of the For-
16 eign Assistance Act of 1961 (22 U.S.C. 2421);

17 “(C) any activity carried out by a member of
18 the United States and Foreign Commercial Service
19 while acting within his or her official capacity;

20 “(D) any insurance, reinsurance, guarantee or
21 other assistance provided by the Overseas Private
22 Investment Corporation under title IV of chapter 2
23 of part I of the Foreign Assistance Act of 1961 (22
24 U.S.C. 2191 et seq.);

1 “(E) any financing provided under the Export-
2 Import Bank Act of 1945; or

3 “(F) humanitarian assistance.

4 “(2) The President may waive subsection (a) on an
5 annual basis if he determines and certifies to the Commit-
6 tees on Appropriations that to do so—

7 “(A) is necessary to support United States ef-
8 forts to counter international terrorism; or

9 “(B) is necessary to support the operational
10 readiness of United States Armed Forces or coal-
11 ition partners to counter international terrorism; or

12 “(C) is important to Azerbaijan’s border secu-
13 rity; and

14 “(D) will not undermine or hamper ongoing ef-
15 forts to negotiate a peaceful settlement between Ar-
16 menia and Azerbaijan or be used for offensive pur-
17 poses against Armenia.”.

18 (p) RESTRICTIONS ON ASSISTANCE.—

19 (1) The terms and requirements of section
20 620(h) of the Foreign Assistance Act of 1961 shall
21 apply to foreign assistance projects or activities of
22 the People’s Liberation Army (PLA) of the People’s
23 Republic of China, to include such projects or activi-
24 ties by any entity that is owned or controlled by, or
25 an affiliate of, the PLA.

1 (2) None of the funds appropriated or otherwise
2 made available pursuant to this Act may be used to
3 finance any grant, contract, or cooperative agree-
4 ment with the PLA, or any entity that is owned or
5 controlled by, or an affiliate of, the PLA.

6 ELIGIBILITY FOR ASSISTANCE

7 SEC. 733. (a) ASSISTANCE THROUGH NONGOVERN-
8 MENTAL ORGANIZATIONS.—Restrictions contained under
9 titles II through VI of this or any other Act with respect
10 to assistance for a country shall not be construed to re-
11 strict assistance in support of programs of nongovern-
12 mental organizations from funds appropriated by this Act
13 to carry out the provisions of chapters 1, 10, 11, and 12
14 of part I and chapter 4 of part II of the Foreign Assist-
15 ance Act of 1961, and from funds appropriated under the
16 heading “Assistance for Europe, Eurasia and Central
17 Asia”: *Provided*, That before using the authority of this
18 subsection to furnish assistance in support of programs
19 of nongovernmental organizations, the President shall no-
20 tify the Committees on Appropriations under the regular
21 notification procedures of those committees, including a
22 description of the program, the assistance to be provided,
23 and the reasons for furnishing such assistance: *Provided*
24 *further*, That nothing in this subsection shall be construed
25 to alter any existing statutory prohibitions against abor-

1 tion or involuntary sterilizations contained in this or any
2 other Act.

3 (b) PUBLIC LAW 480.—During fiscal year 2009, re-
4 strictions contained in this or any other Act with respect
5 to assistance for a country shall not be construed to re-
6 strict assistance under the Agricultural Trade Develop-
7 ment and Assistance Act of 1954: *Provided*, That none
8 of the funds appropriated to carry out title I of such Act
9 and made available pursuant to this subsection may be
10 obligated or expended except as provided through the reg-
11 ular notification procedures of the Committees on Appro-
12 priations.

13 (c) EXCEPTION.—This section shall not apply—

14 (1) with respect to section 620A of the Foreign
15 Assistance Act of 1961 or any comparable provision
16 of law prohibiting assistance to countries that sup-
17 port international terrorism; or

18 (2) with respect to section 116 of the Foreign
19 Assistance Act of 1961 or any comparable provision
20 of law prohibiting assistance to the government of a
21 country that violates internationally recognized
22 human rights.

23 RESERVATIONS OF FUNDS

24 SEC. 734. (a) Funds appropriated under titles II
25 through VI of this Act which are specifically designated
26 may be reprogrammed for other programs within the same

1 account notwithstanding the designation if compliance
2 with the designation is made impossible by operation of
3 any provision of this or any other Act: *Provided*, That any
4 such reprogramming shall be subject to the regular notifi-
5 cation procedures of the Committees on Appropriations:
6 *Provided further*, That assistance that is reprogrammed
7 pursuant to this subsection shall be made available under
8 the same terms and conditions as originally provided.

9 (b) In addition to the authority contained in sub-
10 section (a), the original period of availability of funds ap-
11 propriated by this Act and administered by the United
12 States Agency for International Development that are spe-
13 cifically designated for particular programs or activities by
14 this or any other Act shall be extended for an additional
15 fiscal year if the Administrator of such agency determines
16 and reports promptly to the Committees on Appropria-
17 tions that the termination of assistance to a country or
18 a significant change in circumstances makes it unlikely
19 that such designated funds can be obligated during the
20 original period of availability: *Provided*, That such des-
21 ignated funds that are continued available for an addi-
22 tional fiscal year shall be obligated only for the purpose
23 of such designation.

24 (c) Ceilings and specifically designated funding levels
25 contained in this Act shall not be applicable to funds or

1 authorities appropriated or otherwise made available by
2 any subsequent Act unless such Act specifically so directs.
3 Specifically designated funding levels or minimum funding
4 requirements contained in any other Act shall not be appli-
5 cable to funds appropriated by this Act.

6 ASIA

7 SEC. 735. (a) BURMA.—

8 (1) The Secretary of the Treasury shall instruct
9 the United States executive director to each inter-
10 national financial institution in which the United
11 States participates, to oppose and vote against the
12 extension by such institution any loan or financial or
13 technical assistance or any other utilization of funds
14 to and for Burma.

15 (2) Of the funds appropriated by this Act under
16 the heading “Economic Support Fund”, not less
17 than \$20,000,000 shall be made available to support
18 democracy activities in Burma, along the Burma-
19 Thailand border, for activities of Burmese student
20 groups and other organizations located outside
21 Burma, and for the purpose of supporting the provi-
22 sion of humanitarian assistance to displaced Bur-
23 mese along Burma’s borders: *Provided*, That such
24 funds may be made available notwithstanding any
25 other provision of law: *Provided further*, That in ad-
26 dition to assistance for Burmese refugees provided

1 under the heading “Migration and Refugee Assist-
2 ance” in this Act, not less than \$5,000,000 shall be
3 made available for community-based organizations
4 operating in Thailand to provide food, medical and
5 other humanitarian assistance to internally displaced
6 persons in eastern Burma: *Provided further*, That
7 funds made available under this paragraph shall be
8 subject to the regular notification procedures of the
9 Committees on Appropriations.

10 (b) CAMBODIA.—

11 (1) Of the funds appropriated under the head-
12 ing “Economic Support Fund” in this Act,
13 \$20,000,000 shall be made available for assistance
14 for Cambodia, of which a portion may be used for
15 an endowment, and of which not less than
16 \$2,000,000 shall be made available through non-
17 governmental organizations for programs to
18 strengthen the capacity of the Government of Cam-
19 bodia to combat human trafficking, notwithstanding
20 any other provision of law.

21 (2) Section 495H of chapter 9 of the Foreign
22 Assistance Act of 1961, as amended, is hereby re-
23 pealed.

24 (c) EAST ASIA AND PACIFIC ENVIRONMENTAL INI-
25 TIATIVES.—Of the funds appropriated under the heading

1 “Economic Support Fund” in this Act, \$2,500,000 shall
2 be made available for East Asia and Pacific Environ-
3 mental Initiatives.

4 (d) INDONESIA.—

5 (1) Of the funds appropriated under the head-
6 ing “Foreign Military Financing Program” in this
7 Act, up to \$15,700,000 shall be made available for
8 assistance for Indonesia, of which not less than
9 \$2,700,000 shall be used for programs and activities
10 that directly increase transparency and account-
11 ability within the Indonesian armed forces’ oper-
12 ations and financial management.

13 (2) Of the funds appropriated under the head-
14 ing “Economic Support Fund” in this Act that are
15 available for assistance for Indonesia, \$250,000
16 should be made available for grants for capacity
17 building of Indonesian human rights organizations,
18 including in Papua.

19 (3) Not later than 90 days after enactment of
20 this Act, the Secretary of State shall report in writ-
21 ing to the Committees on Appropriations detailing
22 actions taken by the Government of Indonesia to—

23 (A) prosecute and punish, in a manner
24 proportional to the crime, current and former
25 members of the armed forces who have been

1 credibly alleged to have violated human rights,
2 and to require the armed forces to cooperate
3 with civilian judicial authorities and with inter-
4 national efforts to resolve cases of violations of
5 human rights;

6 (B) implement reforms to increase the
7 transparency and accountability of the armed
8 forces' operations and financial management;

9 (C) allow public access to Papua; and

10 (D) complete the investigation of the mur-
11 der of Munir Said Thalib.

12 (e) NORTH KOREA.—Funds made available under the
13 heading “Migration and Refugee Assistance” in this Act
14 shall be made available for assistance for refugees from
15 North Korea.

16 (f) PEOPLE’S REPUBLIC OF CHINA.—

17 (1) Notwithstanding any other provision of law
18 and subject to the regular notification procedures of
19 the Committees on Appropriations, of the funds ap-
20 propriated under the heading “Development Assist-
21 ance” in this Act, not less than \$15,000,000 shall
22 be made available to United States educational insti-
23 tutions and nongovernmental organizations for pro-
24 grams and activities in the People’s Republic of

1 China relating to the environment, governance and
2 the rule of law.

3 (2) Not later than 180 days after enactment of
4 this Act, the Secretary of State shall submit a report
5 to the Committees on Appropriations detailing, to
6 the extent practicable, the amount of assistance pro-
7 vided by the People's Republic of China to govern-
8 ments and entities in Latin America and Africa dur-
9 ing previous calendar year. This report shall be
10 made publicly available in a timely manner on the
11 website of the Department of State and the United
12 States Agency for International Development in
13 English and Mandarin.

14 (g) TIBET.—

15 (1) The Secretary of the Treasury should in-
16 struct the United States executive director to each
17 international financial institution to use the voice
18 and vote of the United States to support projects in
19 Tibet if such projects do not provide incentives for
20 the migration and settlement of non-Tibetans into
21 Tibet or facilitate the transfer of ownership of Ti-
22 betan land and natural resources to non-Tibetans;
23 are based on a thorough needs-assessment; foster
24 self-sufficiency of the Tibetan people and respect Ti-

1 betan culture and traditions; and are subject to ef-
2 fective monitoring.

3 (2) Notwithstanding any other provision of law,
4 not less than \$6,000,000 of the funds appropriated
5 by this Act under the heading “Economic Support
6 Fund” should be made available to nongovernmental
7 organizations to support activities which preserve
8 cultural traditions and promote sustainable develop-
9 ment and environmental conservation in Tibetan
10 communities in the Tibetan Autonomous Region and
11 in other Tibetan communities in China: *Provided*,
12 That the Office of the Special Coordinator for Ti-
13 betan Issues, Department of State, in consultation
14 with the United States Agency for International De-
15 velopment, shall have responsibility for the use of
16 such funds.

17 (h) VIETNAM.—Notwithstanding any other provision
18 of law, funds appropriated under the heading “Economic
19 Support Fund” in this Act may be made available for pro-
20 grams and activities in the central highlands of Vietnam,
21 and not less than \$3,000,000 shall be made available for
22 environmental remediation and related health activities in
23 Vietnam.

24 PROHIBITION ON PUBLICITY OR PROPAGANDA

25 SEC. 736. No part of any appropriation contained in
26 this Act shall be used for publicity or propaganda purposes

1 within the United States not authorized before the date
2 of the enactment of this Act by the Congress: *Provided*,
3 That not to exceed \$25,000 may be made available to
4 carry out the provisions of section 316 of Public Law 96–
5 533.

6 PROHIBITION OF PAYMENTS TO UNITED NATIONS

7 MEMBERS

8 SEC. 737. None of the funds appropriated or made
9 available pursuant to titles II through VI of this Act for
10 carrying out the Foreign Assistance Act of 1961, may be
11 used to pay in whole or in part any assessments, arrear-
12 ages, or dues of any member of the United Nations or,
13 from funds appropriated by this Act to carry out chapter
14 1 of part I of the Foreign Assistance Act of 1961, the
15 costs for participation of another country's delegation at
16 international conferences held under the auspices of multi-
17 lateral or international organizations.

18 REQUESTS FOR DOCUMENTS

19 SEC. 738. None of the funds appropriated or made
20 available pursuant to titles II through VI of this Act shall
21 be available to any government or nongovernmental orga-
22 nization, including any contractor, which fails to provide
23 upon timely request any document, file, or record nec-
24 essary to the auditing requirements of the United States
25 Agency for International Development.

RESTRICTION ON EXPORTS

1
2 SEC. 739. (a) None of the funds appropriated or oth-
3 erwise made available by titles II through VI of this Act
4 may be available to any foreign government which provides
5 lethal military equipment to a country the government of
6 which the Secretary of State has determined is a govern-
7 ment that supports international terrorism for purposes
8 of section 6(j) of the Export Administration Act of 1979.
9 The prohibition under this section with respect to a for-
10 eign government shall terminate 12 months after that gov-
11 ernment ceases to provide such military equipment. This
12 section applies with respect to lethal military equipment
13 provided under a contract entered into after October 1,
14 1997.

15 (b) Assistance restricted by subsection (a) or any
16 other similar provision of law, may be furnished if the
17 President determines that furnishing such assistance is
18 important to the national interests of the United States.

19 (c) Whenever the President makes a determination
20 pursuant to subsection (b), the President shall submit to
21 the appropriate congressional committees a report with re-
22 spect to the furnishing of such assistance. Any such report
23 shall include a detailed explanation of the assistance to
24 be provided, including the estimated dollar amount of such

1 assistance, and an explanation of how the assistance fur-
2 thers United States national interests.

3 PARKING FINES AND REAL PROPERTY TAXES OWED BY
4 FOREIGN GOVERNMENTS

5 SEC. 740. (a) Subject to subsection (c), of the funds
6 appropriated under titles II through VI by this Act that
7 are made available for assistance for a foreign country,
8 an amount equal to 110 percent of the total amount of
9 the unpaid fully adjudicated parking fines and penalties
10 and unpaid property taxes owed by the central government
11 of such country shall be withheld from obligation for as-
12 sistance for the central government of such country until
13 the Secretary of State submits a certification to the Com-
14 mittees on Appropriations stating that such parking fines
15 and penalties and unpaid property taxes are fully paid.

16 (b) Funds withheld from obligation pursuant to sub-
17 section (a) may be made available for other programs or
18 activities funded by this Act, after consultation with and
19 subject to the regular notification procedures of the Com-
20 mittees on Appropriations, provided that no such funds
21 shall be made available for assistance for the central gov-
22 ernment of a foreign country that has not paid the total
23 amount of the fully adjudicated parking fines and pen-
24 alties and unpaid property taxes owed by such country.

25 (c) Subsection (a) shall not include amounts that
26 have been withheld under any other provision of law.

1 (d)(1) The Secretary of State may waive the require-
2 ments set forth in subsection (a) with respect to parking
3 fines and penalties no sooner than 60 days from the date
4 of enactment of this Act, or at any time with respect to
5 a particular country, if the Secretary determines that it
6 is in the national interests of the United States to do so.

7 (2) The Secretary of State may waive the require-
8 ments set forth in subsection (a) with respect to the un-
9 paid property taxes if the Secretary of State determines
10 that it is in the national interests of the United States
11 to do so.

12 (e) Not later than 6 months after the initial exercise
13 of the waiver authority in subsection (d), the Secretary
14 of State, after consultations with the City of New York,
15 shall submit a report to the Committees on Appropriations
16 describing a strategy, including a timetable and steps cur-
17 rently being taken, to collect the parking fines and pen-
18 alties and unpaid property taxes and interest owed by na-
19 tions receiving foreign assistance under this Act.

20 (f) In this section:

21 (1) The term “fully adjudicated” includes cir-
22 cumstances in which the person to whom the vehicle
23 is registered—

24 (A)(i) has not responded to the parking
25 violation summons; or

1 (ii) has not followed the appropriate adju-
2 dication procedure to challenge the summons;
3 and

4 (B) the period of time for payment of or
5 challenge to the summons has lapsed.

6 (2) The term “parking fines and penalties”
7 means parking fines and penalties—

8 (A) owed to—

9 (i) the District of Columbia; or

10 (ii) New York, New York; and

11 (B) incurred during the period April 1,
12 1997, through September 30, 2007.

13 (3) The term “unpaid property taxes” means
14 the amount of unpaid taxes and interest determined
15 to be owed by a foreign country on real property in
16 the District of Columbia or New York, New York in
17 a court order or judgment entered against such
18 country by a court of the United States or any State
19 or subdivision thereof.

20 WAR CRIMES TRIBUNALS DRAWDOWN

21 SEC. 741. If the President determines that doing so
22 will contribute to a just resolution of charges regarding
23 genocide or other violations of international humanitarian
24 law, the President may direct a drawdown pursuant to sec-
25 tion 552(c) of the Foreign Assistance Act of 1961 of up
26 to \$30,000,000 of commodities and services for the United

1 Nations War Crimes Tribunal established with regard to
 2 the former Yugoslavia by the United Nations Security
 3 Council or such other tribunals or commissions as the
 4 Council may establish or authorize to deal with such viola-
 5 tions, without regard to the ceiling limitation contained
 6 in paragraph (2) thereof: *Provided*, That the determina-
 7 tion required under this section shall be in lieu of any de-
 8 terminations otherwise required under section 552(c): *Pro-*
 9 *vided further*, That funds made available for tribunals
 10 other than the International Criminal Tribunal for the
 11 former Yugoslavia, the International Criminal Tribunal
 12 for Rwanda, or the Special Court for Sierra Leone shall
 13 be made available subject to the regular notification proce-
 14 dures of the Committees on Appropriations.

15 LANDMINES AND CLUSTER MUNITIONS

16 SEC. 742. (a) LANDMINES.—Notwithstanding any
 17 other provision of law, demining equipment available to
 18 the United States Agency for International Development
 19 and the Department of State and used in support of the
 20 clearance of landmines and unexploded ordnance for hu-
 21 manitarian purposes may be disposed of on a grant basis
 22 in foreign countries, subject to such terms and conditions
 23 as the President may prescribe.

24 (b) CLUSTER MUNITIONS.—No military assistance
 25 shall be furnished for cluster munitions, no defense export
 26 license for cluster munitions may be issued, and no cluster

1 munitions or cluster munitions technology shall be sold or
2 transferred, unless—

3 (1) the submunitions of the cluster munitions
4 have a 99 percent or higher functioning rate; and

5 (2) the agreement applicable to the assistance,
6 transfer, or sale of the cluster munitions or cluster
7 munitions technology specifies that the cluster muni-
8 tions will only be used against clearly defined mili-
9 tary targets and will not be used where civilians are
10 known to be present.

11 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

12 SEC. 743. None of the funds appropriated or other-
13 wise made available under titles III or IV of this Act under
14 the headings “International Military Education and
15 Training” or “Foreign Military Financing Program” for
16 Informational Program activities or under the headings
17 “Global Health and Child Survival”, “Development Assist-
18 ance”, and “Economic Support Fund” may be obligated
19 or expended to pay for—

20 (1) alcoholic beverages; or

21 (2) entertainment expenses for activities that
22 are substantially of a recreational character, includ-
23 ing but not limited to entrance fees at sporting
24 events, theatrical and musical productions, and
25 amusement parks.

ANTI-KLEPTOCRACY

1

2 SEC. 744. (a) In furtherance of the National Strategy
3 to Internationalize Efforts Against Kleptocracy and Presi-
4 dential Proclamation 7750, the Secretary of State shall
5 compile and maintain a list of officials of foreign govern-
6 ments and their immediate family members who the Sec-
7 retary has credible evidence have been involved in corrup-
8 tion relating to the extraction of natural resources in their
9 countries.

10 (b) Any individual on the list compiled under sub-
11 section (a) shall be ineligible for admission to the United
12 States.

13 (c) No property or interest in property belonging to
14 an individual on the list compiled under subsection (a),
15 or to a member of the immediate family of such individual
16 if the property is effectively under the control of such indi-
17 vidual, may be transferred, paid, exported, withdrawn, or
18 otherwise dealt with, if the property is within the United
19 States or within the possession or control of a United
20 States person, including the overseas branch of such per-
21 son, or after the date of the enactment of this Act comes
22 within the control of such person.

23 (d) The Secretary may waive the application of sub-
24 section (a) if the Secretary determines that admission to
25 the United States is necessary to attend the United Na-

1 tions or to further United States law enforcement objec-
 2 tives, or that the circumstances which caused the indi-
 3 vidual to be included on the list have changed sufficiently
 4 to justify the removal of the individual from the list.

5 (e) Not later than 90 days after enactment of this
 6 Act and 180 days thereafter, the Secretary of State shall
 7 report in writing, in classified form if necessary, to the
 8 Committees on Appropriations describing the evidence of
 9 corruption in subsection (a).

10 FOREIGN MILITARY TRAINING REPORT

11 SEC. 745. The annual foreign military training report
 12 required by section 656 of the Foreign Assistance Act of
 13 1961 shall be submitted by the Secretary of Defense and
 14 the Secretary of State to the Committees on Appropria-
 15 tions by the date specified in that section.

16 AUTHORIZATION REQUIREMENT

17 SEC. 746. Funds appropriated by this Act, except
 18 funds appropriated under the headings “Trade and Devel-
 19 opment Agency” and “Overseas Private Investment Cor-
 20 poration”, may be obligated and expended notwith-
 21 standing section 10 of Public Law 91–672 and section 15
 22 of the State Department Basic Authorities Act of 1956.

23 LIBYA

24 SEC. 747. (a) None of the funds appropriated or oth-
 25 erwise made available by this Act shall be obligated or ex-

1 pended to finance directly any assistance for the Govern-
2 ment of Libya.

3 (b) The prohibition of subsection (a) shall not apply
4 if the Secretary of State certifies to the Committees on
5 Appropriations that the Government of Libya has made
6 the final settlement payments to the Pan Am 103 victims'
7 families, paid to the LaBelle Disco bombing victims the
8 agreed upon settlement amounts, and is engaging in good
9 faith settlement discussions regarding other relevant ter-
10 rorism cases.

11 (c) Not later than 180 days after enactment of this
12 Act, the Secretary shall submit a report to the Committees
13 on Appropriations describing (1) actions taken by the De-
14 partment of State to facilitate a resolution of these cases;
15 and (2) United States commercial activities in Libya's en-
16 ergy sector.

17 WAR CRIMINALS

18 SEC. 748. (a)(1) None of the funds appropriated or
19 otherwise made available under titles II through VI of this
20 Act may be made available for assistance, and the Sec-
21 retary of the Treasury shall instruct the United States Ex-
22 ecutive Director at each international financial institution
23 to vote against any new project involving the extension by
24 such institutions of any financial or technical assistance,
25 to any country, entity, or municipality whose competent
26 authorities have failed, as determined by the Secretary of

1 State, to take necessary and significant steps to imple-
2 ment its international legal obligations to apprehend and
3 transfer to the International Criminal Tribunal for the
4 former Yugoslavia (the “Tribunal”) all persons in their
5 territory who have been indicted by the Tribunal and to
6 otherwise cooperate with the Tribunal.

7 (2) The provisions of this subsection shall not apply
8 to humanitarian assistance or assistance for democratiza-
9 tion.

10 (b) The provisions of subsection (a) shall apply unless
11 the Secretary of State determines and reports to the ap-
12 propriate congressional committees that the competent au-
13 thorities of such country, entity, or municipality are—

14 (1) cooperating with the Tribunal, including ac-
15 cess for investigators to archives and witnesses, the
16 provision of documents, and the surrender and
17 transfer of indictees or assistance in their apprehen-
18 sion; and

19 (2) are acting consistently with the Dayton Ac-
20 cords.

21 (c) Not less than 10 days before any vote in an inter-
22 national financial institution regarding the extension of
23 any new project involving financial or technical assistance
24 or grants to any country or entity described in subsection
25 (a), the Secretary of the Treasury, in consultation with

1 the Secretary of State, shall provide to the Committees
2 on Appropriations a written justification for the proposed
3 assistance, including an explanation of the United States
4 position regarding any such vote, as well as a description
5 of the location of the proposed assistance by municipality,
6 its purpose, and its intended beneficiaries.

7 (d) In carrying out this section, the Secretary of
8 State, the Administrator of the United States Agency for
9 International Development, and the Secretary of the
10 Treasury shall consult with representatives of human
11 rights organizations and all Government agencies with rel-
12 evant information to help prevent indicted war criminals
13 from benefiting from any financial or technical assistance
14 or grants provided to any country or entity described in
15 subsection (a).

16 (e) The Secretary of State may waive the application
17 of subsection (a) with respect to projects within a country,
18 entity, or municipality upon a written determination to the
19 Committees on Appropriations that such assistance di-
20 rectly supports the implementation of the Dayton Accords.

21 (f) DEFINITIONS.—As used in this section:

22 (1) COUNTRY.—The term “country” means
23 Bosnia and Herzegovina, Croatia and Serbia.

(4) DAYTON ACCORDS.—The term “Dayton Accords” means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

13 SEC. 749. The Secretary of the Treasury shall in-
14 struct the United States Executive Director at each inter-
15 national financial institution (as defined in section
16 1701(c)(2) of the International Financial Institutions Act)
17 and the International Monetary Fund to oppose any loan,
18 grant, strategy or policy of these institutions that would
19 require user fees or service charges on poor people for pri-
20 mary education or primary healthcare, including preven-
21 tion, care and treatment for HIV/AIDS, malaria, tuber-
22 culosis, and infant, child, and maternal well-being, in con-
23 nection with the institutions' financing programs.

25 SEC. 750. (a) CONTRIBUTION.—Notwithstanding the
26 fifth proviso under the heading “Global Health and Child

1 Survival” in this Act, \$45,000,000 of the funds appro-
2 priated under the heading “International Organizations
3 and Programs” shall be made available to the United Na-
4 tions Population Fund (UNFPA) only for the following
5 purposes—

6 (1) provide and distribute equipment, medicine,
7 and supplies, including safe delivery kits and hygiene
8 kits, to ensure safe childbirth and emergency obstet-
9 ric care;

10 (2) make available supplies of contraceptives for
11 the prevention of unintended pregnancies and the
12 spread of sexually transmitted infections, including
13 HIV/AIDS;

14 (3) prevent and treat cases of obstetric fistula;

15 (4) reestablish maternal health services in areas
16 where medical infrastructure and such services have
17 been destroyed or limited by natural disasters,
18 armed conflict, or other factors;

19 (5) promote the abandonment of harmful tradi-
20 tional practices, including female genital mutilation
21 and cutting and child marriage; and

22 (6) promote access of unaccompanied women
23 and children to vital services, including water, sani-
24 tation facilities, food and health care.

25 (b) PROHIBITION ON USE OF FUNDS IN CHINA.—

1 (1) None of the funds appropriated by this Act
2 may be used by UNFPA for a country program in
3 the People's Republic of China.

4 (2) If UNFPA plans to expend funds for a
5 country program in the People's Republic of China
6 in fiscal year 2009, such amount shall be deducted
7 from the funds made available to UNFPA.

8 COMMUNITY-BASED POLICE ASSISTANCE

9 SEC. 751. (a) AUTHORITY.—Funds made available
10 by title IV of this Act to carry out the provisions of chap-
11 ter 1 of part I and chapters 4 and 6 of part II of the
12 Foreign Assistance Act of 1961, may be used, notwith-
13 standing section 660 of that Act, to enhance the effective-
14 ness and accountability of civilian police authority through
15 training and technical assistance in human rights, the rule
16 of law, anti-corruption, strategic planning, and through
17 assistance to foster civilian police roles that support demo-
18 cratic governance including assistance for programs to
19 prevent conflict, respond to disasters, address gender-
20 based violence, and foster improved police relations with
21 the communities they serve.

22 (b) NOTIFICATION.—Assistance provided under sub-
23 section (a) shall be subject to prior consultation with, and
24 the regular notification procedures of, the Committees on
25 Appropriations.

1 SPECIAL DEBT RELIEF FOR THE POOREST

2 SEC. 752. (a) AUTHORITY TO REDUCE DEBT.—The
3 President may reduce amounts owed to the United States
4 (or any agency of the United States) by an eligible country
5 as a result of—

6 (1) guarantees issued under sections 221 and
7 222 of the Foreign Assistance Act of 1961;

8 (2) credits extended or guarantees issued under
9 the Arms Export Control Act; or

10 (3) any obligation or portion of such obligation,
11 to pay for purchases of United States agricultural
12 commodities guaranteed by the Commodity Credit
13 Corporation under export credit guarantee programs
14 authorized pursuant to section 5(f) of the Com-
15 modity Credit Corporation Charter Act of June 29,
16 1948, as amended, section 4(b) of the Food for
17 Peace Act of 1966, as amended (Public Law 89–
18 808), or section 202 of the Agricultural Trade Act
19 of 1978, as amended (Public Law 95–501).

20 (b) LIMITATIONS.—

21 (1) The authority provided by subsection (a)
22 may be exercised only to implement multilateral offi-
23 cial debt relief and referendum agreements, com-
24 monly referred to as “Paris Club Agreed Minutes”.

1 (2) The authority provided by subsection (a)
2 may be exercised only in such amounts or to such
3 extent as is provided in advance by appropriations
4 Acts.

5 (3) The authority provided by subsection (a)
6 may be exercised only with respect to countries with
7 heavy debt burdens that are eligible to borrow from
8 the International Development Association, but not
9 from the International Bank for Reconstruction and
10 Development, commonly referred to as “IDA-only”
11 countries.

12 (c) CONDITIONS.—The authority provided by sub-
13 section (a) may be exercised only with respect to a country
14 whose government—

15 (1) does not have an excessive level of military
16 expenditures;

17 (2) has not repeatedly provided support for acts
18 of international terrorism;

19 (3) is not failing to cooperate on international
20 narcotics control matters;

21 (4) (including its military or other security
22 forces) does not engage in a consistent pattern of
23 gross violations of internationally recognized human
24 rights; and

1 (5) is not ineligible for assistance because of the
2 application of section 527 of the Foreign Relations
3 Authorization Act, Fiscal Years 1994 and 1995.

4 (d) AVAILABILITY OF FUNDS.—The authority pro-
5 vided by subsection (a) may be used only with regard to
6 the funds appropriated by this Act under the heading
7 “Debt Restructuring”.

8 (e) CERTAIN PROHIBITIONS INAPPLICABLE.—A re-
9 duction of debt pursuant to subsection (a) shall not be
10 considered assistance for the purposes of any provision of
11 law limiting assistance to a country. The authority pro-
12 vided by subsection (a) may be exercised notwithstanding
13 section 620(r) of the Foreign Assistance Act of 1961 or
14 section 321 of the International Development and Food
15 Assistance Act of 1975.

16 AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

17 SEC. 753. (a) LOANS ELIGIBLE FOR SALE, REDUC-
18 TION, OR CANCELLATION.—

19 (1) AUTHORITY TO SELL, REDUCE, OR CANCEL
20 CERTAIN LOANS.—Notwithstanding any other provi-
21 sion of law, the President may, in accordance with
22 this section, sell to any eligible purchaser any
23 concessional loan or portion thereof made before
24 January 1, 1995, pursuant to the Foreign Assist-
25 ance Act of 1961, to the government of any eligible
26 country as defined in section 702(6) of that Act or

1 on receipt of payment from an eligible purchaser, re-
2 duce or cancel such loan or portion thereof, only for
3 the purpose of facilitating—

4 (A) debt-for-equity swaps, debt-for-develop-
5 ment swaps, or debt-for-nature swaps; or

6 (B) a debt buyback by an eligible country
7 of its own qualified debt, only if the eligible
8 country uses an additional amount of the local
9 currency of the eligible country, equal to not
10 less than 40 percent of the price paid for such
11 debt by such eligible country, or the difference
12 between the price paid for such debt and the
13 face value of such debt, to support activities
14 that link conservation and sustainable use of
15 natural resources with local community develop-
16 ment, and child survival and other child devel-
17 opment, in a manner consistent with sections
18 707 through 710 of the Foreign Assistance Act
19 of 1961, if the sale, reduction, or cancellation
20 would not contravene any term or condition of
21 any prior agreement relating to such loan.

22 (2) TERMS AND CONDITIONS.—Notwithstanding
23 any other provision of law, the President shall, in ac-
24 cordance with this section, establish the terms and

1 conditions under which loans may be sold, reduced,
2 or canceled pursuant to this section.

3 (3) ADMINISTRATION.—The Facility, as defined
4 in section 702(8) of the Foreign Assistance Act of
5 1961, shall notify the administrator of the agency
6 primarily responsible for administering part I of the
7 Foreign Assistance Act of 1961 of purchasers that
8 the President has determined to be eligible, and
9 shall direct such agency to carry out the sale, reduc-
10 tion, or cancellation of a loan pursuant to this sec-
11 tion. Such agency shall make adjustment in its ac-
12 counts to reflect the sale, reduction, or cancellation.

13 (4) LIMITATION.—The authorities of this sub-
14 section shall be available only to the extent that ap-
15 propriations for the cost of the modification, as de-
16 fined in section 502 of the Congressional Budget Act
17 of 1974, are made in advance.

18 (b) DEPOSIT OF PROCEEDS.—The proceeds from the
19 sale, reduction, or cancellation of any loan sold, reduced,
20 or canceled pursuant to this section shall be deposited in
21 the United States Government account or accounts estab-
22 lished for the repayment of such loan.

23 (c) ELIGIBLE PURCHASERS.—A loan may be sold
24 pursuant to subsection (a)(1)(A) only to a purchaser who
25 presents plans satisfactory to the President for using the

1 loan for the purpose of engaging in debt-for-equity swaps,
 2 debt-for-development swaps, or debt-for-nature swaps.

3 (d) DEBTOR CONSULTATIONS.—Before the sale to
 4 any eligible purchaser, or any reduction or cancellation
 5 pursuant to this section, of any loan made to an eligible
 6 country, the President should consult with the country
 7 concerning the amount of loans to be sold, reduced, or
 8 canceled and their uses for debt-for-equity swaps, debt-
 9 for-development swaps, or debt-for-nature swaps.

10 (e) AVAILABILITY OF FUNDS.—The authority pro-
 11 vided by subsection (a) may be used only with regard to
 12 funds appropriated by this Act under the heading “Debt
 13 Restructuring”.

14 RECONCILIATION PROGRAMS

15 SEC. 754. Of the funds appropriated under the head-
 16 ing “Economic Support Fund” in this Act, \$25,000,000
 17 shall be made available for reconciliation programs which
 18 bring together individuals of different ethnic, religious and
 19 political backgrounds from areas of civil conflict and war,
 20 of which not more than \$7,000,000 shall be made avail-
 21 able for such programs in the Middle East: *Provided*, That
 22 the Administrator of the United States Agency for Inter-
 23 national Development shall consult with the Committees
 24 on Appropriations, prior to the initial obligation of funds,
 25 on the most effective uses of such funds.

AFRICA

SEC. 755. (a) ETHIOPIA.—

(1) Of the funds appropriated under the heading “Foreign Military Financing Program” in this Act, not more than \$1,000,000 may be made available for assistance for Ethiopia.

(2) Not later than 90 days after enactment of this Act, the Secretary of State shall report in writing to the Committees on Appropriations detailing actions taken by the Government of Ethiopia to investigate and prosecute members of Ethiopian military forces who have been credibly alleged to have violated human rights.

(b) EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) Funds appropriated under the heading “International Military Education and Training” in this Act that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Cote D’Ivoire, and Guinea may be made available only for expanded international military education and training.

(2) None of the funds appropriated under the heading “International Military Education and

1 Training” in this Act may be made available for as-
2 sistance for Equatorial Guinea.

3 (c) HORN OF AFRICA AND PAN SAHEL.—Of the
4 funds appropriated under the heading “Economic Support
5 Fund” in this Act, \$15,000,000 shall be made available
6 for programs and activities to counter extremism in the
7 Horn of Africa and the Pan Sahel region of Africa, to
8 be administered by the United States Agency for Inter-
9 national Development: *Provided*, That such funds are in
10 addition to funds otherwise made available for such pur-
11 poses.

12 (d) KENYA.—Of the funds appropriated under the
13 heading “Foreign Military Financing Program” in this
14 Act, \$2,000,000 may be made available for assistance for
15 Kenya.

16 (e) KIMBERLEY PROCESS.—Of the funds appro-
17 priated under the heading “Economic Support Fund” in
18 this Act, not less than \$3,000,000 shall be made available
19 to support implementation of the Kimberley Process Cer-
20 tification Scheme with an emphasis on regional efforts to
21 combat cross-border smuggling and monitoring by civil so-
22 ciety groups.

23 (f) NAMIBIA.—Of the funds appropriated under the
24 heading “Economic Support Fund” in this Act, not less

1 than \$2,000,000 shall be made available for democracy
2 and governance programs for Namibia.

3 (g) SIERRA LEONE.—Of the funds appropriated
4 under the heading “Economic Support Fund” in this Act,
5 \$9,000,000 shall be made available for a United States
6 contribution to the Special Court for Sierra Leone.

7 (h) SUDAN.—

8 (1) The terms and conditions of section 666
9 (excluding subsection (f)) of the Department of
10 State, Foreign Operations, and Related Programs
11 Appropriations Act, 2008 (division J of Public Law
12 110–161) shall apply to assistance for Sudan in this
13 Act.

14 (2) None of the funds appropriated under the
15 heading “Foreign Military Financing Program” in
16 this Act may be made available for assistance for
17 Sudan, except in accordance with paragraph (1) of
18 this subsection.

19 (i) ZIMBABWE.—

20 (1) The Secretary of the Treasury shall instruct
21 the United States executive director to each inter-
22 national financial institution to vote against any ex-
23 tension by the respective institution of any loans to
24 the Government of Zimbabwe, except to meet basic
25 human needs or to promote democracy, unless the

1 Secretary of State reports in writing to the Commit-
2 tees on Appropriations that the rule of law has been
3 restored in Zimbabwe, including respect for owner-
4 ship and title to property, freedom of speech and as-
5 sociation, and free and fair elections have been held
6 and the results honored.

7 (2) Funds appropriated under the heading
8 “Global Health and Child Survival” in this Act
9 should be made available for assistance for
10 Zimbabwe if a political transition in Zimbabwe oc-
11 curs that the Secretary of State determines is in the
12 interests and welfare of the people of Zimbabwe.

13 (3) Of the funds appropriated under the head-
14 ing “Millennium Challenge Corporation” in this Act
15 and prior acts making appropriations for foreign op-
16 erations, export financing, and related programs, up
17 to \$50,000,000 may be made available for assistance
18 for Zimbabwe if a political transition occurs that the
19 Secretary of State determines is in the interests and
20 welfare of the people of Zimbabwe, subject to the
21 regular notification procedures of the Committees on
22 Appropriations.

23 TRANSPARENCY AND ACCOUNTABILITY

24 SEC. 756. (a) UNITED NATIONS DEVELOPMENT
25 PROGRAM.—Ten percent of the funds appropriated by this
26 Act under the heading “International Organizations and

1 Programs” for a United States contribution to the United
2 Nations Development Program (UNDP) shall be withheld
3 from disbursement until the Secretary of State reports to
4 the Committees on Appropriations that UNDP is—

5 (1) giving adequate access to information to the
6 Department of State regarding UNDP’s programs
7 and activities as requested;

8 (2) conducting oversight of UNDP programs
9 and activities globally; and

10 (3) implementing a whistleblower protection
11 policy equivalent to that recommended by the United
12 Nations Secretary General on December 3, 2008.

13 (b) WORLD BANK.—Ten percent of the funds appro-
14 priated by this Act under the heading “International De-
15 velopment Association” shall be withheld from disburse-
16 ment until the Secretary of the Treasury reports to the
17 Committees on Appropriations that—

18 (1) the World Bank has made publicly avail-
19 able, in an appropriate manner, financial disclosure
20 forms of World Bank personnel who earned a rate
21 of pay equal to or in excess of \$111,676 for a period
22 equal to or in excess of 60 days;

23 (2) the World Bank has established a plan and
24 maintains a schedule for conducting regular, inde-
25 pendent audits of internal management controls and

1 procedures for meeting operational objectives, and is
2 making reports describing the scope and findings of
3 such audits available to the public; and

4 (3) the World Bank is adequately staffing and
5 sufficiently funding the Department of Institutional
6 Integrity.

7 (c) NATIONAL BUDGET TRANSPARENCY.—

8 (1) None of the funds appropriated by this Act
9 may be made available for assistance for the central
10 government of any country that fails to make pub-
11 licly available on an annual basis its national budget,
12 to include income and expenditures.

13 (2) The Secretary of State may waive require-
14 ments of paragraph (1) on a country-by-country
15 basis if the Secretary reports to the Committees on
16 Appropriations that to do so is important to the na-
17 tional interest of the United States.

18 EXCESS DEFENSE ARTICLES

19 SEC. 757. Notwithstanding section 516(e) of the For-
20 eign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during
21 fiscal year 2009, funds available to the Department of De-
22 fense may be expended for crating, packing, handling, and
23 transportation of excess defense articles transferred under
24 the authority of section 516 of such Act to Albania, Af-
25 ghanistan, Bulgaria, Croatia, Estonia, Macedonia, Geor-
26 gia, India, Iraq, Kazakhstan, Kyrgyzstan, Latvia, Lith-

1 uania, Moldova, Mongolia, Pakistan, Romania, Slovakia,
2 Tajikistan, Turkmenistan, and Ukraine.

3 WESTERN HEMISPHERE

4 SEC. 758. (a) COLOMBIA.—

5 (1) FUNDING AMOUNT.—Of the funds appro-
6 priated under titles III and IV of this Act, not more
7 than \$542,500,000 shall be available for assistance
8 for Colombia.

9 (2) ASSISTANCE FOR THE COLOMBIAN ARMED
10 FORCES.—Funds appropriated by this Act that are
11 available for assistance for the Colombian Armed
12 Forces, may be made available as follows:

13 (A) Up to 70 percent of such funds may
14 be obligated prior to the certification and report
15 by the Secretary of State pursuant to subpara-
16 graph (B).

17 (B) Up to 15 percent of such funds may
18 be obligated only after the Secretary of State
19 consults with, and subsequently certifies and
20 submits a written report to, the Committees on
21 Appropriations that—

22 (i) The Commander General of the
23 Colombian Armed Forces is suspending or
24 placing on administrative duty, if re-
25 quested by the prosecutor, members of the
26 Armed Forces who, according to the Min-

1 ister of Defense, the Fiscal General or the
2 Procuraduria General, have been credibly
3 alleged to have violated human rights or to
4 have aided or abetted paramilitary organi-
5 zations or successor armed groups.

6 (ii) The Government of Colombia is
7 investigating and prosecuting, in the civil-
8 ian justice system, members of the Colom-
9 bian Armed Forces who have been credibly
10 alleged to have violated human rights or to
11 have aided or abetted paramilitary organi-
12 zations or successor armed groups.

13 (iii) The Colombian Armed Forces are
14 cooperating fully with civilian prosecutors
15 and judicial authorities in such cases (in-
16 cluding providing requested information,
17 such as the identity of persons suspended
18 from the Armed Forces and the cause of
19 the suspension, and access to witnesses,
20 relevant military documents, and other re-
21 quested information).

22 (iv) The Colombian Armed Forces
23 have severed links (including denying ac-
24 cess to military intelligence, vehicles, and
25 other equipment or supplies, and ceasing

1 other forms of active or tacit cooperation)
2 with paramilitary organizations or suc-
3 cessor armed groups, especially in regions
4 where such organizations have a significant
5 presence.

6 (v) The Government of Colombia is
7 dismantling paramilitary leadership and fi-
8 nancial networks by arresting and pros-
9 ecuting in the civilian justice system indi-
10 viduals who have provided financial, plan-
11 ning, or logistical support, or have other-
12 wise aided or abetted paramilitary organi-
13 zations or successor armed groups; by
14 identifying and seizing land and other as-
15 sets illegally acquired by such organiza-
16 tions or their associates and returning
17 such land or assets to their rightful occu-
18 pants or owners; by revoking reduced sen-
19 tences for demobilized paramilitaries who
20 engage in new criminal activity; and by ar-
21 resting and prosecuting under civilian
22 criminal law, and when requested, extra-
23 diting to the United States members of
24 successor armed groups.

1 (vi) The Government of Colombia is
2 ensuring that the Colombian Armed Forces
3 are respecting the rights of Colombia's in-
4 digenous and Afro-Colombian communities,
5 and that the Colombian Armed Forces are
6 implementing procedures to distinguish be-
7 tween civilians, including displaced per-
8 sons, and combatants in their operations.

9 (C) After July 31, 2009, the balance of
10 such funds may be obligated if, before such ob-
11 ligation, the Secretary of State consults with,
12 and subsequently certifies and submits a writ-
13 ten report to the Committees on Appropriations
14 that the Colombian Armed Forces are con-
15 tinuing to meet the requirements described in
16 paragraph (B) and are conducting vigorous op-
17 erations to restore civilian government authority
18 and respect for human rights in areas under
19 the effective control of paramilitary organiza-
20 tions or successor armed groups and guerrilla
21 organizations.

22 (3) CERTAIN FUNDS EXEMPTED.—The require-
23 ment to withhold funds from obligation shall not
24 apply with respect to funds made available under the
25 heading “Andean Counterdrug Programs” in this

1 Act for continued support for the Critical Flight
2 Safety Program or for any alternative development
3 programs in Colombia administered by the Bureau
4 of International Narcotics and Law Enforcement Af-
5 fairs, Department of State.

6 (4) REPORT.—At the time the Secretary of
7 State submits certifications pursuant to paragraphs
8 (2)(B) and (C) of this subsection, the Secretary
9 shall also submit to the Committees on Appropria-
10 tions a report that contains, with respect to each
11 such paragraph, a detailed description of the specific
12 actions taken by both the Colombian Government
13 and Colombian Armed Forces which support each
14 requirement of the certification, and the cases or
15 issues brought to the attention of the Secretary, in-
16 cluding through the Department of State’s annual
17 Country Reports on Human Rights Practices, for
18 which the actions taken by the Colombian Govern-
19 ment or Armed Forces have been determined by the
20 Secretary of State to be inadequate.

21 (5) CONSULTATIVE PROCESS.—Not later than
22 60 days after the date of enactment of this Act, and
23 every 180 days thereafter, the Secretary of State
24 shall consult with Colombian and internationally rec-
25 ognized human rights organizations regarding

1 progress in meeting the requirements contained in
2 paragraph (2).

3 (6) Of the funds appropriated under the head-
4 ing “Economic Support Fund” in this Act, not less
5 than \$199,000,000 shall be apportioned directly to
6 the United States Agency for International Develop-
7 ment (USAID) for alternative development/institu-
8 tion building and sustainable development programs
9 in Colombia and may be transferred to, and merged
10 with, funds appropriated by this Act under the head-
11 ing “Development Assistance” to continue programs
12 administered by USAID, which funds may be made
13 available notwithstanding section 660 of the Foreign
14 Assistance Act of 1961, of which not less than
15 \$45,000,000 shall be for assistance for internally
16 displaced persons, and of which not more than
17 \$16,700,000 may be made available for demobiliza-
18 tion and reintegration of former combatants: *Pro-*
19 *vided*, That with respect to funds apportioned to
20 USAID under this paragraph, the responsibility for
21 policy decisions for the use of such funds, including
22 which activities will be funded and the amount of
23 funds that will be provided for each of those activi-
24 ties, shall be the responsibility of the USAID Ad-
25 ministrator in consultation with the Assistant Sec-

1 retary of State for International Narcotics and Law
2 Enforcement Affairs.

3 (7) Of the funds appropriated under the head-
4 ing “International Narcotics Control and Law En-
5 forcement” in this Act, not more than \$45,000,000
6 may be made available for assistance for Colombia,
7 of which \$9,500,000 shall be for judicial reform pro-
8 grams, \$8,000,000 shall be made available to
9 USAID for human rights activities, \$15,000,000
10 shall be for the Office of the Fiscal General includ-
11 ing not less than \$5,000,000 for the human rights
12 unit and not less than \$5,000,000 for the Justice
13 and Peace Unit, and for witness protection for vic-
14 tims of armed groups and investigations of mass
15 graves, \$5,000,000 shall be for the Office of the
16 Procuraduria General, and \$750,000 shall be for a
17 United States contribution to the Office of the
18 United Nations High Commissioner for Human
19 Rights in Colombia to support monitoring and public
20 reporting of human rights conditions in the field.

21 (8) Of the funds appropriated under the head-
22 ing “Andean Counterdrug Programs” in this Act,
23 not more than \$241,000,000 may be made available
24 for assistance for Colombia: *Provided*, That funds
25 made available for assistance for the Government of

1 Colombia in this Act may be used to support a uni-
2 fied campaign against narcotics trafficking and or-
3 ganizations designated as Foreign Terrorist Organi-
4 zations and successor organizations, and to take ac-
5 tions to protect human health and welfare in emer-
6 gency circumstances, including undertaking rescue
7 operations: *Provided further*, That assistance made
8 available previously for the Government of Colombia
9 to protect the Cano-Limon pipeline may also be used
10 for purposes for which funds are made available
11 under the heading “Andean Counterdrug Programs”
12 and this paragraph: *Provided further*, That no
13 United States Armed Forces personnel or United
14 States civilian contractor employed by the United
15 States shall participate in any combat operation in
16 connection with assistance made available by this
17 Act for Colombia: *Provided further*, That rotary and
18 fixed wing aircraft supported with funds appro-
19 priated under the heading “Andean Counterdrug
20 Programs” for assistance for Colombia may be used
21 for aerial or manual drug eradication and interdic-
22 tion including to transport personnel and supplies
23 and to provide security for such operations, and to
24 provide transport in support of alternative develop-
25 ment programs and investigations of cases under the

1 jurisdiction of the Fiscal General, the Procuraduria
2 General, and the Defensoria del Pueblo: *Provided*
3 *further*, That of the funds available for the Colom-
4 bian national police for the procurement of chemi-
5 cals for aerial coca and poppy eradication programs,
6 not more than 20 percent of such funds may be
7 made available for such eradication programs unless
8 the Secretary of State certifies to the Committees on
9 Appropriations that: (1) the herbicide is being used
10 in accordance with EPA label requirements for com-
11 parable use in the United States and with Colom-
12 bian laws; and (2) the herbicide, in the manner it is
13 being used, does not pose unreasonable risks or ad-
14 verse effects to humans or the environment (includ-
15 ing deforestation resulting from migration caused by
16 such eradication, and harm to endemic species): *Pro-*
17 *vided further*, That such funds may not be made
18 available unless the Secretary of State certifies to
19 the Committees on Appropriations that complaints
20 of harm to health or licit crops caused by such aerial
21 eradication are thoroughly evaluated and fair com-
22 pensation is being paid in a timely manner for meri-
23 torious claims: *Provided further*, That the Secretary
24 shall submit a report to the Committees on Appro-
25 priations detailing all claims, evaluations, and com-

1 pensation paid during the 12 month period prior to
2 the date of enactment of this Act: *Provided further*,
3 That such funds may not be made available for such
4 purposes unless the Secretary of State certifies to
5 the Committees on Appropriations that programs
6 are being implemented by USAID, the Government
7 of Colombia, or other organizations, in consultation
8 and coordination with local communities, to provide
9 alternative sources of income in areas where security
10 permits for small-acreage growers and communities
11 whose illicit crops are targeted for aerial eradication:
12 *Provided further*, That none of the funds appro-
13 priated by this Act for assistance for Colombia shall
14 be made available for the cultivation or processing of
15 African oil palm, if doing so would contribute to sig-
16 nificant loss of native species, disrupt or contami-
17 nate natural water sources, reduce local food secu-
18 rity, or cause the forced displacement of local people:
19 *Provided further*, That funds appropriated by this
20 Act may be used for aerial eradication in Colombia's
21 national parks or reserves only if the Secretary of
22 State certifies to the Committees on Appropriations
23 on a case-by-case basis that there are no effective al-
24 ternatives and the eradication is conducted in ac-
25 cordance with Colombian laws.

1 (9) Of the funds appropriated under the head-
2 ing “Foreign Military Financing Program” in this
3 Act, not more than \$53,000,000 may be made avail-
4 able for assistance for Colombia.

5 (10) The terms and conditions of section 649(e)
6 and (f) of the Department of State, Foreign Oper-
7 ations, and Related Programs Appropriations Act,
8 2008 (division J of Public Law 110–161) shall apply
9 to assistance for Colombia in this Act.

10 (b) MEXICO.—Of the funds appropriated by this Act
11 under the headings “International Narcotics Control and
12 Law Enforcement” and “Economic Support Fund”, not
13 more than \$300,000,000 may be made available for assist-
14 ance for Mexico, only to combat drug trafficking and re-
15 lated violence and organized crime, and for judicial re-
16 form, institution building, anti-corruption, and rule of law
17 activities, of which not less than \$35,000,000 shall be for
18 judicial reform, institution building, anti-corruption, and
19 rule of law activities.

20 (1) ALLOCATION OF FUNDS.—Fifteen percent
21 of the funds made available under this section for
22 assistance for Mexico, not including assistance for
23 judicial reform, institution building, anti-corruption,
24 and rule of law activities, may not be obligated until
25 the Secretary of State reports in writing to the Com-

mittees on Appropriations that the Government of
Mexico—

(A) is continuing to improve the transparency and accountability of Federal police forces and to work with State and municipal authorities to improve the transparency and accountability of State and municipal police forces through mechanisms including police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(B) is conducting regular consultations with Mexican human rights organizations and other relevant Mexican civil society organizations on recommendations for the implementation of the Merida Initiative in accordance with Mexican and international law;

(C) is continuing to ensure that civilian prosecutors and judicial authorities are investigating and prosecuting, in accordance with Mexican and international law, members of the Federal police and military forces who have been credibly alleged to have violated human rights, and the Federal police and military

1 forces are fully cooperating with the investiga-
2 tions; and

3 (D) is continuing to enforce the prohibi-
4 tion, in accordance with Mexican and inter-
5 national law, on the use of testimony obtained
6 through torture or other ill-treatment.

7 (2) REPORT.—The report required in para-
8 graph (1) shall include a description of actions taken
9 with respect to each requirement and the cases or
10 issues brought to the attention of the Secretary of
11 State for which the response or action taken has
12 been inadequate.

13 (3) NOTIFICATION.—Funds made available for
14 Mexico under this section shall be subject to the reg-
15 ular notification procedures of the Committees on
16 Appropriations and section 634A of the Foreign As-
17 sistance Act of 1961 (22 U.S.C. 2394–1).

18 (4) SPENDING PLAN.—Not later than 45 days
19 after the date of enactment of this Act, the Sec-
20 retary of State shall submit to the Committees on
21 Appropriations a detailed spending plan, developed
22 after consulting with relevant Mexican Government
23 authorities, for funds made available for Mexico
24 under this section, with concrete goals, programs
25 and activities to be funded, and anticipated results.

1 (5) ANALYSIS OF ALTERNATIVES.—Not less
2 than 90 days prior to the obligation of funds for the
3 procurement or lease of aircraft, the Director of the
4 Defense Security Cooperation Agency, in consulta-
5 tion with the Secretary of State, shall submit to the
6 Committees on Appropriations an Analysis of Alter-
7 natives for the acquisition of all aircraft for the
8 Merida Initiative.

9 (c) CENTRAL AMERICA, HAITI AND THE DOMINICAN
10 REPUBLIC.—Of the funds appropriated by this Act under
11 the headings “International Narcotics Control and Law
12 Enforcement” and “Economic Support Fund”,
13 \$100,000,000 may be made available for assistance for the
14 countries of Central America, Haiti and the Dominican
15 Republic only to combat drug trafficking and related vio-
16 lence and organized crime, and for judicial reform, institu-
17 tion building, anti-corruption, and rule of law activities,
18 of which not less than \$35,000,000 shall be made available
19 for judicial reform, institution building, anti-corruption,
20 and rule of law activities: *Provided*, That of the funds ap-
21 propriated under the heading “Economic Support Fund”
22 in this Act, \$25,000,000 shall be made available for con-
23 tinued support for an Economic and Social Development
24 Fund for Central America, of which \$20,000,000 shall be
25 made available through the United States Agency for

1 International Development and \$5,000,000 shall be made
2 available through the Department of State for educational
3 exchange programs for students with high financial need:
4 *Provided further*, That of the funds appropriated under
5 the heading “International Narcotics Control and Law
6 Enforcement” in this Act, \$2,500,000 shall be made avail-
7 able for assistance for Haiti, \$2,500,000 shall be made
8 available for assistance for the Dominican Republic,
9 \$3,000,000 shall be made available for a United States
10 contribution to the International Commission Against Im-
11 punity in Guatemala (CICIG), \$2,000,000 shall be made
12 available to improve the capacity of the Government of
13 Guatemala to conduct forensic investigations, and
14 \$1,000,000 shall be made available for witness protection
15 programs in Guatemala.

16 (1) ALLOCATION OF FUNDS.—Fifteen percent
17 of the funds made available under this section for
18 assistance for the countries of Central America,
19 Haiti and the Dominican Republic, not including as-
20 sistance for judicial reform, institution building,
21 anti-corruption, and rule of law activities, may not
22 be obligated until the Secretary of State reports in
23 writing to the Committees on Appropriations that
24 the government of such country—

1 (A) has police complaints commissions with
2 authority and independence to receive com-
3 plaints and carry out effective investigations;

4 (B) is continuing to implement reforms to
5 improve the capacity and ensure the independ-
6 ence of the judiciary; and

7 (C) is continuing to investigate and pros-
8 ecute members of the Federal police and mili-
9 tary forces who have been credibly alleged to
10 have violated human rights.

11 (2) REPORT.—The report required in para-
12 graph (1) shall include a description of actions taken
13 with respect to each requirement and the cases or
14 issues brought to the attention of the Secretary of
15 State for which the response or action taken has
16 been inadequate.

17 (3) NOTIFICATION.—Funds made available for
18 the countries of Central America, Haiti and the Do-
19 minican Republic under this section shall be subject
20 to the regular notification procedures of the Com-
21 mittees on Appropriations and section 634A of the
22 Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

23 (4) SPENDING PLAN.—Not later than 45 days
24 after the date of enactment of this Act, the Sec-
25 retary of State shall submit to the Committees on

1 Appropriations a detailed spending plan, developed
2 after consulting with relevant Central American,
3 Haitian and Dominican Republic authorities, with
4 concrete goals, programs and activities to be funded,
5 and anticipated results.

6 (5) DEFINITION.—For the purposes of this sec-
7 tion, the term “countries of Central America” means
8 Belize, Costa Rica, El Salvador, Guatemala, Hon-
9 duras, Nicaragua, and Panama.

10 (d) HAITI.—The Government of Haiti shall be eligi-
11 ble to purchase defense articles and services under the
12 Arms Export Control Act (22 U.S.C. 2751 et seq.), for
13 the Coast Guard.

14 (e) DOMINICAN REPUBLIC.—Of the funds appro-
15 priated by this Act under the headings “Global Health and
16 Child Survival” and “Development Assistance” that are
17 available for assistance for the Dominican Republic, not
18 less than \$5,000,000 shall be made available for basic
19 health care, nutrition, sanitation, education, and shelter
20 for migrant workers and other residents of batey commu-
21 nities.

22 (f) GUATEMALA.—

23 (1) Funds appropriated by this Act under the
24 heading “International Military Education and
25 Training” (IMET) that are available for assistance

1 for Guatemala, other than for expanded IMET, may
2 be made available only for the Guatemalan Air
3 Force, Navy and Army Corps of Engineers: *Pro-*
4 *vided*, That assistance for the Guatemalan Army
5 Corps of Engineers shall only be available for train-
6 ing to improve disaster response capabilities and to
7 participate in international peacekeeping operations:
8 *Provided further*, That such funds may be made
9 available only if the Secretary of State certifies that
10 the Guatemalan Armed Forces are respecting human
11 rights and are cooperating with civilian judicial in-
12 vestigations and prosecutions of current and retired
13 military personnel who have been credibly alleged to
14 have committed violations of human rights, and with
15 the CICIG by granting access to CICIG personnel,
16 providing evidence to CICIG, and allowing witness
17 testimony.

18 (2) Of the funds appropriated by this Act under
19 the heading “Foreign Military Financing Program”,
20 not more than \$500,000 may be made available for
21 the Guatemalan Air Force and Navy: *Provided*, That
22 such funds may be made available only if the Sec-
23 retary of State certifies that the Guatemalan Armed
24 Forces are respecting human rights and are cooper-
25 ating with civilian judicial investigations and pros-

1 ecutions of current and retired military personnel
2 who have been credibly alleged to have committed
3 violations of human rights, including protecting and
4 providing to the Attorney General’s office all mili-
5 tary archives pertaining to the internal armed con-
6 flict, and the Guatemalan Armed Forces are cooper-
7 ating with the CICIG by granting access to CICIG
8 personnel, providing evidence to CICIG, and allow-
9 ing witness testimony.

10 (g) AIRCRAFT OPERATIONS AND MAINTENANCE.—

11 The costs of operations and maintenance, including fuel,
12 of aircraft funded by this Act that are made available pur-
13 suant to this section shall be borne by the recipient coun-
14 try.

15 ENERGY AND ENVIRONMENT PROGRAMS

16 SEC. 759. (a) ENERGY.—Of the funds appropriated
17 by this Act, \$100,000,000 shall be made available to the
18 United States Agency for International Development, in
19 addition to funds otherwise made available for such pur-
20 poses, for programs and activities which directly support
21 zero-carbon renewable technologies and energy efficient
22 end-use technologies, including solar-thermal, wind, geo-
23 thermal, and small hydro, particularly in areas where ac-
24 cess to energy is limited.

25 (b) BIODIVERSITY PROTECTION.—Of the funds ap-
26 propriated under the heading “Development Assistance”

1 in this Act, not less than \$200,000,000 shall be made
2 available for programs and activities which directly protect
3 biodiversity, with an emphasis on protecting tropical for-
4 ests, in developing countries, of which not less than
5 \$25,000,000 shall be made available for the United States
6 Agency for International Development's Amazon Basin
7 Conservation Initiative: *Provided*, That of the funds made
8 available under this paragraph, not less than \$17,500,000
9 shall be made available for the Congo Basin Forest Part-
10 nership of which not less than \$2,500,000 shall be made
11 available to the United States Fish and Wildlife Service
12 for conservation programs in Africa.

13 (c)(1) EXTRACTION OF NATURAL RESOURCES.—The
14 Secretary of the Treasury shall inform the managements
15 of the international financial institutions and the public
16 that it is the policy of the United States to oppose any
17 assistance by such institutions (including but not limited
18 to any loan, credit, grant, or guarantee) for the extraction
19 and export of oil, gas, coal, timber, or other natural re-
20 source unless the government of the country has in place
21 functioning systems for: (i) accurately accounting for pay-
22 ments for companies involved in the extraction and export
23 of natural resources; (ii) the independent auditing of ac-
24 counts receiving such payments and the widespread public
25 dissemination of the findings of such audits; and (iii)

1 verifying government receipts against company payments
2 including widespread dissemination of such payment infor-
3 mation, and disclosing such documents as Host Govern-
4 ment Agreements, Concession Agreements, and bidding
5 documents, allowing in any such dissemination or disclo-
6 sure for the redaction of, or exceptions for, information
7 that is commercially proprietary or that would create com-
8 petitive disadvantage.

9 (2) Not later than 180 days after the enactment of
10 this Act, the Secretary of the Treasury shall submit a re-
11 port to the Committees on Appropriations describing, for
12 each international financial institution, the amount and
13 type of assistance provided, by country, for the extraction
14 and export of oil, gas, coal, timber, or other natural re-
15 sources in the preceeding 12 months, and whether each
16 institution considered, in its proposal for such assistance,
17 the extent to which the country has functioning systems
18 described in paragraph (1).

19 (3) Of the funds appropriated under the heading
20 “Economic Support Fund” in this Act, not less than
21 \$3,000,000 shall be made available for a United States
22 contribution to the Extractive Industries Transparency
23 Initiative Trust Fund.

24 DEVELOPMENT GRANTS PROGRAM

25 SEC. 760. Of the funds appropriated by this Act to
26 carry out chapter 1 of part I and chapter 4 of part II

1 of the Foreign Assistance Act of 1961, not less than
 2 \$50,000,000 shall be made available for the Development
 3 Grants Program established pursuant to section 674 of
 4 the Department of State, Foreign Operations, and Related
 5 Programs Appropriations Act (division J of Public Law
 6 110–161): *Provided*, That not more than 50 percent of
 7 this amount shall be derived from funds appropriated to
 8 carry out chapter 1 of part I of such Act: *Provided further*,
 9 That funds made available under this section are in addi-
 10 tion to other funds available for such purposes including
 11 funds designated by this Act by section 754.

12 USAID MANAGEMENT

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 761. (a) AUTHORITY.—Up to \$95,000,000 of
 15 the funds made available in title III of this Act to carry
 16 out the provisions of part I of the Foreign Assistance Act
 17 of 1961, including funds appropriated under the heading
 18 “Assistance for Europe, Eurasia and Central Asia”, may
 19 be used by the United States Agency for International De-
 20 velopment (USAID) to hire and employ individuals in the
 21 United States and overseas on a limited appointment basis
 22 pursuant to the authority of sections 308 and 309 of the
 23 Foreign Service Act of 1980.

24 (b) RESTRICTIONS.—

1 (1) The number of individuals hired in any fis-
2 cal year pursuant to the authority contained in sub-
3 section (a) may not exceed 75.

4 (2) The authority to hire individuals contained
5 in subsection (a) shall expire on September 30,
6 2010.

7 (c) CONDITIONS.—The authority of subsection (a)
8 may only be used to the extent that an equivalent number
9 of positions that are filled by personal services contractors
10 or other non-direct hire employees of USAID, who are
11 compensated with funds appropriated to carry out part I
12 of the Foreign Assistance Act of 1961, including funds
13 appropriated under the heading “Assistance for Europe,
14 Eurasia and Central Asia”, are eliminated.

15 (d) PRIORITY SECTORS.—In exercising the authority
16 of this section, primary emphasis shall be placed on ena-
17 bling USAID to meet personnel positions in technical skill
18 areas currently encumbered by contractor or other non-
19 direct hire personnel.

20 (e) CONSULTATIONS.—The USAID Administrator
21 shall consult with the Committees on Appropriations at
22 least on a quarterly basis concerning the implementation
23 of this section.

24 (f) PROGRAM ACCOUNT CHARGED.—The account
25 charged for the cost of an individual hired and employed

1 under the authority of this section shall be the account
2 to which such individual's responsibilities primarily relate.
3 Funds made available to carry out this section may be
4 transferred to, and merged with, funds appropriated by
5 this Act under the heading "Operating Expenses of the
6 United States Agency for International Development".

7 (g) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-
8 viduals hired and employed by USAID, with funds made
9 available in this Act or prior Acts making appropriations
10 for foreign operations, export financing, and related pro-
11 grams, pursuant to the authority of section 309 of the
12 Foreign Service Act of 1980, may be extended for a period
13 of up to 5 years notwithstanding the limitation set forth
14 in such section.

15 (h) JUNIOR OFFICER PLACEMENT AUTHORITY.—Of
16 the funds made available in subsection (a), USAID may
17 use, in addition to funds otherwise available for such pur-
18 poses, up to \$15,000,000 to fund overseas support costs
19 of members of the Foreign Service with a Foreign Service
20 rank of four or below: *Provided*, That such authority is
21 only used to reduce USAID's reliance on overseas personal
22 services contractors or other non-direct hire employees
23 compensated with funds appropriated to carry out part I
24 of the Foreign Assistance Act of 1961, including funds

1 appropriated under the heading “Assistance for Europe
2 and Eurasia”.

3 (i) DISASTER SURGE CAPACITY.—Funds appro-
4 priated under title III of this Act to carry out part I of
5 the Foreign Assistance Act of 1961, including funds ap-
6 propriated under the heading “Assistance for Europe,
7 Eurasia, and Central Asia”, may be used, in addition to
8 funds otherwise available for such purposes, for the cost
9 (including the support costs) of individuals detailed to or
10 employed by USAID whose primary responsibility is to
11 carry out programs in response to natural disasters.

12 OPIC TRANSFER AUTHORITY

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 762. Whenever the President determines that
15 it is in furtherance of the purposes of the Foreign Assist-
16 ance Act of 1961, up to a total of \$20,000,000 of the
17 funds appropriated under title III of this Act may be
18 transferred to and merged with funds appropriated by this
19 Act for the Overseas Private Investment Corporation Pro-
20 gram Account, to be subject to the terms and conditions
21 of that account: *Provided*, That such funds shall not be
22 available for administrative expenses of the Overseas Pri-
23 vate Investment Corporation: *Provided further*, That des-
24 ignated funding levels in this Act shall not be transferred
25 pursuant to this section: *Provided further*, That the exer-

1 cise of such authority shall be subject to the regular notifi-
 2 cation procedures of the Committees on Appropriations.

3 REPORTING REQUIREMENT

4 SEC. 763. The Secretary of State shall provide the
 5 Committees on Appropriations, not later than April 1,
 6 2009, and for each fiscal quarter, a report in writing on
 7 the uses of funds made available under the headings “For-
 8 eign Military Financing Program”, “International Mili-
 9 tary Education and Training”, and “Peacekeeping Oper-
 10 ations”: *Provided*, That such report shall include a de-
 11 scription of the obligation and expenditure of funds, and
 12 the specific country in receipt of, and the use or purpose
 13 of the assistance provided by such funds.

14 INHUMANE INTERNATIONAL PRISON CONDITIONS

15 SEC. 764. (a) Funds appropriated by this Act to
 16 carry out the provisions of chapters 1 and 11 of part I
 17 and chapter 4 of part II of the Foreign Assistance Act
 18 of 1961, and the Support for East European Democracy
 19 (SEED) Act of 1989, shall be made available for assist-
 20 ance to help eliminate inhumane prison conditions in coun-
 21 tries whose governments do not comply with minimum
 22 standards for international prison conditions but are mak-
 23 ing efforts to comply, notwithstanding any other provision
 24 of law and subject to the regular notification procedures
 25 of the Committees on Appropriations.

1 (b) Within 180 days after the date of enactment of
2 this Act, the Secretary of State shall submit to the Com-
3 mittees on Appropriations a report describing the prison
4 conditions of countries whose governments receive assist-
5 ance under this Act and prior Acts making appropriations
6 for foreign operations, export financing and related pro-
7 gram, and identifying those governments which do not
8 meet minimum standards for international prison condi-
9 tions but are making significant efforts to comply, and
10 those governments that do not meet such standards and
11 are not making significant efforts to comply, and the spe-
12 cific standards such governments are failing to meet: *Pro-*
13 *vided*, That such report shall be made available to the pub-
14 lic, including on the Department of State website.

15 (c) For the purposes of this section, “minimum
16 standards for international prison conditions” shall
17 mean—

18 (1) The number of prisoners held in a facility
19 does not so exceed prison capacity such that per
20 capita floor space is sufficient to allow for humane
21 sleeping conditions and reasonable physical move-
22 ment.

23 (2) Human waste facilities are located sepa-
24 rately from the prison population at large, and

1 human waste is disposed of regularly in a sanitary
2 manner.

3 (3) The lighting, ventilation, temperature and
4 physical construction of prison facilities do not en-
5 danger the health and safety of the prisoners.

6 (4) Prisoners have access to adequate food and
7 drinking water.

8 (5) Prisoners have access to basic and emer-
9 gency medical care.

10 (6) Prisoners are allowed reasonable contact
11 with family members and others and, to the max-
12 imum extent practicable, permitted religious observ-
13 ance.

14 (7) The government permits prisoners to sub-
15 mit complaints to judicial authorities and inves-
16 tigate credible allegations of inhumane prison con-
17 ditions.

18 (d) STAFFING.—Of the funds appropriated by this
19 Act under the heading “Diplomatic and Consular Pro-
20 grams”, funds shall be made available to the Bureau of
21 Democracy, Human Rights and Labor for a Deputy As-
22 sistant Secretary level position which shall have primary
23 responsibility for implementing this section.

24 IRAQ

25 SEC. 765. (a) MATCHING REQUIREMENT.—The
26 terms and conditions of section 1402(e)(1) and (2) of Pub-

1 lie Law 110–252 shall apply to assistance for Iraq in this
2 Act.

3 (b) CERTIFICATION AND REPORTS.—

4 (1) The Secretary of State shall certify to the
5 Committees on Appropriations, prior to the initial
6 obligation of funds made available for assistance for
7 Iraq in this Act, that the Government of Iraq has
8 committed to obligate matching funds on a dollar-
9 for-dollar basis. The Secretary shall submit a report
10 to the Committees on Appropriations not later than
11 September 30, 2009 and 180 days thereafter, detail-
12 ing the amounts of funds obligated and expended by
13 the Government of Iraq to meet the requirements of
14 this section.

15 (2) Not later than 90 days after enactment of
16 this Act and consistent with section 1402(e)(4) of
17 Public Law 110–252, the Secretary of State shall
18 submit a report to the Committees on Appropria-
19 tions detailing the amount of funds the Government
20 of Iraq plans to provide in fiscal year 2009 to orga-
21 nizations and programs for the purpose of assisting
22 Iraqi refugees, on a dollar-for-dollar matching basis
23 with United States contributions.

24 (3) Not later than 180 days after enactment of
25 this Act, the Secretary of State, in consultation with

1 relevant United States Government agencies, shall
2 submit to the Committees on Appropriations a re-
3 port, in classified form if necessary, that details the
4 plans, costs and timelines associated with the transi-
5 tion of programs and activities funded under titles
6 II through VI of this Act and prior Acts making ap-
7 propriations for the Department of State, foreign
8 operations, and related programs to the Government
9 of Iraq.

10 UZBEKISTAN

11 SEC. 766. (a) Funds appropriated by this Act may
12 be made available for assistance for the central Govern-
13 ment of Uzbekistan if the Secretary of State determines
14 and reports to the Committees on Appropriations that the
15 Government of Uzbekistan is making substantial and con-
16 tinuing progress—

17 (1) in meeting its commitments under the
18 “Declaration on the Strategic Partnership and Co-
19 operation Framework Between the Republic of
20 Uzbekistan and the United States of America”, in-
21 cluding respect for human rights, establishing a gen-
22 uine multi-party system, and ensuring free and fair
23 elections, freedom of expression, and the independ-
24 ence of the media; and

1 (2) in investigating and prosecuting the individ-
2 uals responsible for the deliberate killings of civilians
3 in Andijan in May 2005.

4 (b) If the Secretary of State has credible evidence
5 that any current or former official of the Government of
6 Uzbekistan was responsible for the deliberate killings of
7 civilians in Andijan in May 2005, or for other gross viola-
8 tions of human rights in Uzbekistan, not later than 6
9 months after enactment of this Act any person identified
10 by the Secretary pursuant to this subsection shall be ineli-
11 gible for admission to the United States.

12 (c) The restriction in subsection (b) shall cease to
13 apply if the Secretary determines and reports to the Com-
14 mittees on Appropriations that the Government of
15 Uzbekistan has taken concrete and measurable steps to
16 improve respect for human rights, including allowing
17 peaceful political and religious expression, releasing im-
18 prisoned human rights defenders, and implementing rec-
19 ommendations made by the United Nations on torture.

20 (d) The Secretary may waive the application of sub-
21 section (b) if the Secretary determines that admission to
22 the United States is necessary to attend the United Na-
23 tions or to further United States law enforcement objec-
24 tives.

1 (e) For the purpose of this section “assistance” shall
2 include excess defense articles.

3 UNITED NATIONS HUMAN RIGHTS COUNCIL

4 SEC. 767. (a) None of the funds appropriated by this
5 Act may be made available for a United States contribu-
6 tion to the United Nations Human Rights Council.

7 (b) The prohibition under subsection (a) shall not
8 apply if—

9 (1) the Secretary of State certifies to the Com-
10 mittees on Appropriations that the provision of
11 funds to support the United Nations Human Rights
12 Council is in the national interest of the United
13 States; or

14 (2) the United States is a member of the
15 Human Rights Council.

16 ATTENDANCE AT INTERNATIONAL CONFERENCES

17 SEC. 768. None of the funds made available in this
18 Act may be used to send or otherwise pay for the attend-
19 ance of more than 35 employees of agencies or depart-
20 ments of the United States Government who are stationed
21 in the United States, at any single international con-
22 ference occurring outside the United States, unless the
23 Secretary of State reports to the Committees on Appro-
24 priations that such attendance is in the national interest:
25 *Provided*, That for purposes of this section the term
26 “international conference” shall mean a conference at-

1 tended by employees of the United States Government and
2 employees of foreign governments, international organiza-
3 tions, or nongovernmental organizations.

4 CENTRAL ASIA

5 SEC. 769. (a) Funds appropriated by this Act may
6 be made available for assistance for the Government of
7 Kazakhstan if the Secretary of State reports to the Com-
8 mittees on Appropriations that the Government of
9 Kazakhstan has made significant improvements in the
10 protection of human rights and civil liberties during the
11 preceding 6 month period, including by fulfilling obliga-
12 tions recommended by the Organization for Security and
13 Cooperation in Europe (OSCE) in the areas of election
14 procedures, media freedom, freedom of religion, free as-
15 sembly and minority rights, and by meeting the commit-
16 ments it made in connection with its assumption of the
17 Chairmanship of the OSCE in 2010.

18 (b) The Secretary of State may waive subsection (a)
19 if the Secretary determines and reports to the Committees
20 on Appropriations that such a waiver is important to the
21 national security of the United States.

22 (c) Not later than October 1, 2009, the Secretary of
23 State shall submit a report to the Committees on Appro-
24 priations and the Committee on Foreign Relations of the
25 Senate and the Committee on Foreign Affairs of the
26 House of Representatives describing the following:

(d) For purposes of this section, the term “countries of Central Asia” means Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.

SEC. 770. (a) Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$4,000,000 shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect the rights of people with disabilities in developing countries, to be allocated as follows—

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1 tions in developing countries, including for the cost
2 of translation; and

3 (2) \$2,500,000 shall be made available for pro-
4 grams and activities administered by USAID to ad-
5 dress the needs and protect the rights of people with
6 disabilities in developing countries.

7 (b) Funds appropriated under the heading “Oper-
8 ating Expenses of the United States Agency for Inter-
9 national Development” in this Act shall be made available
10 to develop and implement training for staff in overseas
11 USAID missions to promote the full inclusion and equal
12 participation of people with disabilities in developing coun-
13 tries.

14 (c) The Secretary of State, the Secretary of the
15 Treasury, and the USAID Administrator shall seek to en-
16 sure that, where appropriate, construction projects funded
17 by this Act are accessible to people with disabilities and
18 in compliance with the USAID Policy on Standards for
19 Accessibility for the Disabled, or other similar accessibility
20 standards.

21 (d) Of the funds made available pursuant to sub-
22 section (a), not more than 7 percent may be for manage-
23 ment, oversight and technical support.

24 ORPHANS, DISPLACED AND ABANDONED CHILDREN

25 SEC. 771. Of the funds appropriated under title III
26 of this Act, \$3,000,000 should be made available for ac-

1 tivities to improve the capacity of foreign government
 2 agencies and nongovernmental organizations to prevent
 3 child abandonment, address the needs of orphans, dis-
 4 placed and abandoned children and provide permanent
 5 homes through family reunification, guardianship and do-
 6 mestic adoptions: *Provided*, That funds made available
 7 under title III of this Act should be made available, as
 8 appropriate, consistent with—

9 (1) the goal of enabling children to remain in
 10 the care of their family of origin, but when not pos-
 11 sible, placing children in permanent homes through
 12 adoption;

13 (2) the principle that such placements should be
 14 based on informed consent which has not been in-
 15 duced by payment or compensation;

16 (3) the view that long-term foster care or insti-
 17 tutionalization are not permanent options and
 18 should be used when no other suitable permanent
 19 options are available; and

20 (4) the recognition that programs that protect
 21 and support families can reduce the abandonment
 22 and exploitation of children.

23 CHILD SOLDIERS

24 SEC. 772. (a) None of the funds appropriated or oth-
 25 erwise made available for foreign military financing, for-
 26 eign military sales, direct commercial sales, or excess De-

1 fense articles by this Act or any other Act making appro-
2 priations for foreign operations, export financing, and re-
3 lated programs may be obligated or otherwise made avail-
4 able to the government of a country that is identified by
5 the Department of State in the Department of State's
6 most recent Country Reports on Human Rights Practices
7 as having governmental armed forces or government sup-
8 ported armed groups, including paramilitaries, militias, or
9 civil defense forces, that recruit or use child soldiers.

10 (b) The Secretary of State may provide assistance or
11 defense articles otherwise prohibited under subsection (a)
12 to a country upon certifying to the Committees on Appro-
13 priations that the government of such country has imple-
14 mented effective measures to demobilize children from its
15 forces or from government-supported armed groups and
16 prohibit and prevent the future recruitment or use of child
17 soldiers.

18 (c) The Secretary of State may waive the application
19 of the prohibition in subsection (a) on a country-by-coun-
20 try basis if the Secretary determines and reports to the
21 Committees on Appropriations that such waiver is impor-
22 tant to the national interest of the United States.

23 SERBIA

24 SEC. 773. (a) Funds appropriated by this Act may
25 be made available for assistance for the central Govern-
26 ment of Serbia after May 31, 2009, if the President has

1 made the determination and certification contained in sub-
2 section (c).

3 (b) After May 31, 2009, the Secretary of the Treas-
4 ury should instruct the United States executive directors
5 to the international financial institutions to support loans
6 and assistance to the Government of Serbia subject to the
7 conditions in subsection (c).

8 (c) The determination and certification referred to in
9 subsection (a) is a determination and a certification by
10 the President to the Committees on Appropriations that
11 the Government of Serbia is—

12 (1) cooperating with the International Criminal
13 Tribunal for the former Yugoslavia including access
14 for investigators, the provision of documents, timely
15 information on the location, movement, and sources
16 of financial support of indictees, and the surrender
17 and transfer of indictees or assistance in their ap-
18 prehension, including Ratko Mladic and Radovan
19 Karadzic;

20 (2) taking steps that are consistent with the
21 Dayton Accords to end Serbian financial, political,
22 security and other support which has served to
23 maintain separate Republika Srpska institutions;
24 and

6 PHILIPPINES

(1) the Government of the Philippines is implementing the recommendations of the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions;

(3) the Philippine Armed Forces is not engaging in acts of intimidation or violence against members of legal organizations who advocate for human rights.

PAKISTAN

1

2 SEC. 775. (a) Of the funds appropriated by this Act
3 under the heading “Foreign Military Financing Pro-
4 gram”, up to \$300,000,000 may be made available for as-
5 sistance for Pakistan for counterterrorism and law en-
6 forcement activities directed against the Taliban and al
7 Qaeda and associated terrorist groups, as follows—

8 (b) Of the amount provided in subsection (a),
9 \$50,000,000 may not be obligated until the Secretary of
10 State reports in writing to the Committees on Appropria-
11 tions that the Government of Pakistan—

12 (1) is making concerted efforts to prevent the
13 Taliban, al Qaeda and associated terrorist groups
14 from operating in the territory of Pakistan, includ-
15 ing by eliminating terrorist training camps or facili-
16 ties, arresting Taliban leaders and members of al
17 Qaeda and associated terrorist groups, stopping
18 cross-border incursions, and countering recruitment
19 efforts; and

20 (2) has restored an independent judiciary.

21 (c) Funds appropriated by this Act that are made
22 available for assistance for Pakistan shall be subject to
23 the regular notification procedures of the Committees on
24 Appropriations.

SRI LANKA

1
2 SEC. 776. (a) None of the funds appropriated by this
3 Act under the heading “Foreign Military Financing Pro-
4 gram” may be made available for assistance for Sri
5 Lanka, no defense export license may be issued, and no
6 military equipment or technology shall be sold or trans-
7 ferred to Sri Lanka pursuant to the authorities contained
8 in this Act or any other Act, until the Secretary of State
9 certifies to the Committee on Appropriations that—

10 (1) the Sri Lankan military is suspending and
11 the Government of Sri Lanka is bringing to justice
12 members of the military who have been credibly al-
13 leged to have violated human rights or international
14 humanitarian law, including complicity in the re-
15 cruitment of child soldiers;

16 (2) the Government of Sri Lanka is providing
17 access to humanitarian organizations and journalists
18 throughout the country consistent with international
19 humanitarian law; and

20 (3) the Government of Sri Lanka has agreed to
21 the establishment of a field presence of the Office of
22 the United Nations High Commissioner for Human
23 Rights in Sri Lanka with sufficient staff and man-
24 date to conduct full and unfettered monitoring
25 throughout the country and to publicize its findings.

1 (b) Subsection (a) shall not apply to technology or
 2 equipment made available for the limited purposes of mar-
 3 itime and air surveillance.

4 MILLENNIUM CHALLENGE CORPORATION

5 SEC. 777. (a) The Chief Executive Officer of the Mil-
 6 lennium Challenge Corporation shall, not later than 30
 7 days following enactment of this Act, submit to the Com-
 8 mittees on Appropriations a report on the proposed uses,
 9 on a country-by-country basis, of all funds appropriated
 10 under the heading “Millennium Challenge Corporation” in
 11 this Act or prior Acts making appropriations for foreign
 12 operations, export financing, and related programs pro-
 13 jected to be obligated and expended in fiscal year 2009
 14 and subsequent fiscal years.

15 (b) The report required in paragraph (a) shall in-
 16 clude, at a minimum, a description of—

17 (1) compacts in development, including the sta-
 18 tus of negotiations and the approximate range of
 19 value of the proposed compact;

20 (2) compacts in implementation, including the
 21 projected expenditure and disbursement of compact
 22 funds during fiscal year 2009 and subsequent fiscal
 23 years as determined by the country compact;

24 (3) threshold country programs in development,
 25 including the approximate range of value of the
 26 threshold country agreement;

1 (4) threshold country programs in implementa-
2 tion; and

3 (5) use of administrative funds.

4 (c) The Chief Executive Officer of the Millennium
5 Challenge Corporation shall notify the Committees on Ap-
6 propriations not later than 15 days prior to signing any
7 new country compact or new threshold country program;
8 terminating or suspending any country compact or thresh-
9 old country program; or commencing negotiations for any
10 new compact or threshold country program.

11 (d) The report required in paragraph (a) shall be up-
12 dated on a quarterly basis.

13 (e) Funds appropriated by this Act under the heading
14 “Millennium Challenge Corporation” may be transferred
15 to, and merged with, funds made available under the head-
16 ings “Diplomatic and Consular Programs” and “Embassy
17 Security, Construction, and Maintenance”, to offset costs
18 associated with the placement of personnel and the addi-
19 tional security requirements of such personnel as a result
20 of the programs and activities of the Millennium Challenge
21 Corporation at United States missions abroad, subject to
22 the regular notification procedures of the Committees on
23 Appropriations.

19 CUBA

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1 narcotics matters, including matters relating to coopera-
2 tion, coordination, and mutual assistance in the interdic-
3 tion of illicit drugs being transported through Cuban air-
4 space or over Cuban waters.

5 (b) The amount in subsection (a) shall not be avail-
6 able if the Secretary certifies to the Committees on Appro-
7 priations that—

8 (1) Cuba does not have in place appropriate
9 procedures to protect against the loss of innocent
10 life in the air and on the ground in connection with
11 the interdiction of illegal drugs; and

12 (2) there is credible evidence of involvement of
13 the Government of Cuba in drug trafficking during
14 the preceeding 10 years.

15 This Act may be cited as the “Department of State,
16 Foreign Operations, and Related Programs Appropria-
17 tions Act, 2009”.

Calendar No. 889

110TH CONGRESS
2^D SESSION

S. 3288

[Report No. 110-425]

A BILL

Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2009, and for other purposes.

JULY 18 (legislative day, JULY 17), 2008

Read twice and placed on the calendar